

Exhibit I

EXHIBIT 2

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Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE: UBER) Case No.
TECHNOLOGIES, INC.,) 3:23-md-03084-
PASSENGER SEXUAL) CRB (LJC)
ASSAULT LITIGATION)
_____))
This Document Relates)
to:)
ALL ACTIONS)
_____))

REMOTE VIDEOTAPED DEPOSITION OF
LACEY KELLER
Denver, Colorado
Monday, October 27, 2025

Reported By:
CATHI IRISH, RPR, CRR, CLVS

Job No. CS7684484

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October 27, 2025

11:32 a.m.

Remote videotaped deposition of
LACEY KELLER, with all participants
appearing via videoconference, before
Cathi Irish, a Registered Professional
Reporter, Certified Realtime Reporter,
and Notary Public of the State of
New York.

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LEE BOWRY, videographer

BILL CRADDOCK, concierge

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THE VIDEOGRAPHER: Good morning.
We are going on the record at
11:32 a.m. Eastern time on October 27,
2025.

Please note that this deposition
is being conducted remotely using
virtual technology. Quality of
recording depends on the quality of
camera and Internet connection of
participants. What is seen from the
witness and heard on screen is what
will be recorded. Audio and video
recording will continuing to take
place unless all parties agree to go
off the record.

This is media unit 1 of the video
recorded deposition of Lacey Keller
taken by counsel for defendants in the
matter of In Re Uber Technologies
Passenger Sexual Assault litigation,
filed in the United States District
Court, Northern District of
California, San Francisco Division,
case number 3:23-md-03084-CRB (LJC).

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1
2 My name is Lee Bowry representing
3 Veritext Corporate Services and I am
4 the videographer. The court reporter
5 is Cathi Irish and the concierge is
6 Bill Craddock, also both with
7 Veritext.

8 I am not related to any party in
9 this action, nor am I financially
10 interested in the outcome. If there
11 are any objections to proceeding,
12 please state them at this time.

13 Hearing none, counsel attending
14 remotely will be noted on the
15 stenographic record. Will the court
16 reporter please swear in the witness
17 and then counsel may proceed.

18 L A C E Y K E L L E R, called as a
19 witness, having been duly sworn by a
20 Notary Public, was examined and
21 testified as follows:

22 EXAMINATION

23 BY MS. LEVY:

24 Q. Good morning, Ms. Keller. I am
25 Jenny Levy. I'm an attorney for Uber. I

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2 work with Kirkland & Ellis. I am
3 currently in Washington, D.C. It is nice
4 to see you today.

5 A. Same, it's been several years.

6 Q. You and I have met in other
7 litigation; correct?

8 A. Yes.

9 Q. But it has been a number of
10 years. And it is nice to see you again
11 this morning. You understand that you are
12 here testifying under oath today?

13 A. I do.

14 Q. And I know that you've been
15 deposed multiple times in the past. We've
16 done that together in the past so I know
17 that you understand generally how
18 depositions work, but I will ask you when
19 was the last time you had your deposition
20 taken?

21 A. It was a few months ago. The
22 date's in my report in my qualifications,
23 the specific date but it's been a few
24 months.

25 Q. There is -- is there anything

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2 that is preventing you from giving true
3 and accurate testimony today?

4 A. Nothing is preventing me.

5 Q. Can we agree that if you do not
6 understand a question I ask, you will ask
7 me to clarify the question?

8 A. Yes, of course.

9 Q. And if you do answer a question,
10 I can assume that you understood the
11 question or are not able to answer it?

12 A. That makes sense.

13 Q. Okay. At any point in time if
14 you would like to take a break, we are --
15 I'm entitled to seven hours on the record
16 but you are the boss here. So if you need
17 to take a break, I ask you to let's finish
18 my pending question and you give your
19 answer, but then if you need a break, I
20 certainly would be happy to do that at any
21 time. It is my practice to try to take
22 breaks about every hour, but if you need
23 to get food or to check your e-mail or run
24 to the restroom, let me know and we can
25 take a break at your leisure.

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2 MS. LEVY: I'd like to go ahead
3 and mark your expert report in this
4 case as Exhibit 1. And I think Bill
5 can pull that up.

6 (Exhibit 1, expert report, marked
7 for identification.)

8 BY MS. LEVY:

9 Q. Ms. Keller, where are you sitting
10 today?

11 A. I'm in Denver, Colorado.

12 Q. And where in Denver?

13 A. In Wagstaff Law Firm. I don't
14 know exactly the address.

15 Q. And who is with you today?

16 A. Beth Wilkins.

17 Q. Is anybody else with the two of
18 you in the room where you are?

19 A. No.

20 Q. Do you have any documents or
21 exhibits that you brought with you today?

22 A. Yes.

23 Q. What did you bring with you to
24 the deposition?

25 A. I brought a complete copy of my

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2 report, as well as the appendices that
3 could be printed out. The ones that were
4 produced in S3 I did not print out just
5 because they were voluminous. And then I
6 brought a few of the materials from my --
7 printed out versions of my materials
8 considered, specifically the interrogatory
9 responses, the Bliss/Jira field list and
10 my code as to the best it could be printed
11 out.

12 Q. And do you have notes and
13 personal markings on the copies of the
14 exhibits that you brought with you today?

15 A. The only thing I've done is add
16 tabs just for easier access to my report
17 but no notes.

18 Q. There are no notes or markings,
19 if we were to Xerox the exhibits you have
20 with you they would be the same as the
21 ones we have in our possession minus your
22 sticky tabs?

23 A. Precisely.

24 MS. LEVY: Thank you. Bill, the
25 exhibit is showing on the -- I can't

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2 see the witness when the exhibit is
3 up. Is that how it's supposed to be?

4 THE CONCIERGE: You may be able
5 to adjust your view in your screen.

6 MS. LEVY: Let me try to pin
7 Lacey.

8 BY MS. LEVY:

9 Q. So we've marked as Exhibit 1 to
10 your deposition your expert report in this
11 case, page 55, or actually more
12 accurately, yes, 55 contains an electronic
13 signature. That's your signature;
14 correct?

15 A. Correct.

16 Q. Is Exhibit 1 a true and accurate
17 and up-to-date copy of your expert report
18 in this case?

19 A. This appears to be the main
20 report. Of course there's other
21 appendices but this is a true and accurate
22 copy of the main report.

23 I also have copies with me of the
24 Uber safety reports. I just wanted to
25 make sure that that was also part of my

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2 answer of documents that I have in front
3 of me.

4 Q. Do you have any notes or markings
5 or highlighting on the Uber safety
6 reports --

7 A. No.

8 Q. -- that you have with you? Okay.
9 Is Exhibit 1 dated September 26, 2025 the
10 most accurate and complete version of your
11 expert report?

12 A. Yes, this is the most up-to-date
13 copy of my report.

14 Q. As you sit here today, have you
15 identified any errors in Exhibit 1?

16 A. Not that I'm aware of, no.

17 Q. And there's nothing as you sit
18 here today that you've identified that you
19 need to amend or correct in your expert
20 report, Exhibit 1?

21 A. Not that I'm aware of, no.

22 Q. Are the opinions that you plan to
23 give at trial in this matter contained in
24 your expert report?

25 A. Trial is some time away. I do

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2 know that there's been a production of
3 Flack data and we are awaiting a
4 deposition so I reserve my right to issue
5 some opinions based off of that data.

6 Q. Have you prepared additional
7 opinions already that are not included in
8 this expert report?

9 A. That data has just recently been
10 produced so I have not had time to review
11 it fully so I do not have opinions
12 formally at this time but I do --

13 Q. So as you sit here today, all of
14 the opinions that you currently intend to
15 offer subject to that reservation of right
16 are contained in Exhibit 1?

17 MS. WILKINS: Object to form.

18 THE WITNESS: Everything that I
19 have an opinion on as far as today is
20 included in Exhibit 1 as well as the
21 appendices that go with Exhibit 1.

22 BY MS. LEVY:

23 Q. Thank you. Let's turn to Exhibit
24 C, or Appendix C to Exhibit 1. And can
25 you tell us what Appendix C is?

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2 A. I think it's a new exhibit.

3 MS. LEVY: I'm sorry, Bill, we've
4 marked that as tab 2.

5 THE WITNESS: Do we have to
6 refresh each time? There it goes.

7 (Exhibit 2, Appendix C, marked
8 for identification.)

9 BY MS. LEVY:

10 Q. Do you have Exhibit 2 in front of
11 you?

12 A. Yes, but I forgot the question.
13 I'm sorry.

14 Q. What is Exhibit 2?

15 A. This is a copy of my
16 qualifications and remuneration.

17 Q. Did you prepare Exhibit 2
18 yourself?

19 A. Yes.

20 Q. Is Exhibit 2 accurate and up to
21 date?

22 A. Yes.

23 Q. Is it a complete history of your
24 education and your work experience to
25 date?

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2 A. Yes, it is.

3 Q. Is there anything missing from
4 your qualifications and experience that
5 you're aware of as you sit here today?

6 A. Nothing. This is accurate and
7 complete.

8 Q. Let's start by just turning to
9 page 11. Is this your CV?

10 A. It's a résumé, not a CV. CVs are
11 typically longer but this is my résumé.

12 Q. If you combine the document, your
13 résumé and the rest of Exhibit C, would
14 you refer to that as your CV?

15 A. That's a fair representation.

16 Q. You don't have something
17 different that you use as your CV than
18 what we see here in this Exhibit 2?

19 A. You broke up. I think you asked
20 if I have anything different than this,
21 this is what I use, this document and this
22 qualification, this résumé and then the
23 qualifications document.

24 Q. Okay. Starting with your
25 education, you got your BA in economics

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2 from Washburn University in 2008; is that
3 correct?

4 A. That's correct.

5 Q. And Washburn University is in
6 Topeka, Kansas?

7 A. That's right.

8 Q. Are you from Kansas?

9 A. I am.

10 Q. I think I knew that. And after
11 you graduated from Washburn, what did you
12 do, if anything, between Washburn
13 University and going to The New School in
14 New York?

15 A. I went straight to graduate
16 school so graduated in May and then
17 started immediately in the fall at The New
18 School.

19 Q. And how long was the master of
20 arts in economics at The New School, the
21 program you participated in?

22 A. I completed my master's there.
23 It was a two-year program and I finished
24 in two years.

25 Q. And The New School is in

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2 New York City; correct?

3 A. That's right.

4 Q. And did you attend the campus in
5 New York City?

6 A. Yeah, campus is a generous word.
7 It's like many office buildings separated
8 from one another.

9 Q. There's been a recent like really
10 fancy update to The New School, air quote,
11 campus or main building in New York City;
12 is that correct?

13 A. It's been some time since I've
14 been there but yeah, that main student
15 center was undergoing renovations when I
16 was there.

17 Q. The New School is now called The
18 New School but at the time you went there
19 it was called The New School for Social
20 Research; is that correct?

21 A. It's a division. That's how The
22 New School defines like the college of X,
23 Y and Z, so under The New School is The
24 New School for Social Research, so that's
25 like a division within The New School.

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2 Just like Parsons, The New School is the
3 fashion area that everybody knows from
4 that television show that was big in 2010.

5 Q. Project Runway?

6 A. Yes, that's it, Project Runway.

7 Q. Just so the record is clear I
8 think Project Runway is still big. Is the
9 economics program of The New School -- is
10 economics under NSSR?

11 A. Exactly. So economics is under
12 NSSR, alongside NSSR. NSSR is like
13 philosophy, political science, economics.
14 Those were kind of the three main areas
15 that were on our floor.

16 Q. When I was doing research on The
17 New School, my Internet searches indicated
18 that NSSR is widely recognized as a center
19 for heterodox left wing thought. Does
20 that sound familiar to you, have you heard
21 The New School described like that before?

22 MS. WILKINS: Form.

23 THE WITNESS: There's different
24 divisions within The New School and
25 some are more left wing than others I

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2 would say, but I went to that program
3 because it took -- it allowed me to
4 take a critical view of all economic
5 theories that I was learning, not just
6 orthodox theories which would be like
7 the neoclassical approaches to
8 economics, what's known as the
9 rational man theory but also other
10 approaches to economics that from
11 Keynesian economics to -- to economic
12 theory from including Keynesian or
13 Marxist economics and many others. So
14 that's the reason I went to that
15 school was because of its critical
16 approach to all forms.

17 BY MS. LEVY:

18 Q. What does heterodox left wing
19 thought mean, what does that term mean?

20 A. I don't know. That's The New
21 School's term.

22 Q. Okay. I read on the Internet
23 that The New School has a long history of
24 challenging mainstream intellectual and
25 economic orthodoxies and providing a home

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2 for left wing scholars. Is that true
3 based on your own experience?

4 MS. WILKINS: Objection to form.

5 THE WITNESS: That might be true
6 for other programs, maybe in the
7 political science program, but I was
8 in the masters program for economics
9 and so most of my peers were working
10 at institutions like The World Bank
11 and other pretty established entities.
12 I don't know that I would describe the
13 vast majority of them as left wing. I
14 think a lot of them were just there
15 because of the rigor and the critical
16 approaches to all economic theories.

17 BY MS. LEVY:

18 Q. Do you agree that the school has
19 a long history of challenging mainstream
20 intellectual and economic orthodoxies; is
21 that true based on your experience?

22 MS. WILKINS: Object to form.

23 THE WITNESS: I don't know.

24 Again there's a lot of divisions
25 there. Some of the professors may

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2 hold themselves out to be more radical
3 than others. I mean I went there
4 because of the rigor of the program.
5 I'm also a kid from Kansas so the
6 Washburn University is an excellent
7 institution and as pretty straitlaced
8 as you get, so in my experience, I
9 learned how to think critically and
10 evaluate all theories. Beyond that I
11 can't really speak to that.

12 BY MS. LEVY:

13 Q. Is The New School accredited?

14 A. Yes.

15 Q. Has it had problems with its
16 accreditation status that you're aware of?

17 MS. WILKINS: Object to form.

18 THE WITNESS: I don't know. I
19 haven't kept up on that. It hasn't
20 come up.

21 BY MS. LEVY:

22 Q. Are you aware that The New
23 School's current status is a noncompliance
24 warning status?

25 MS. WILKINS: Object to form.

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2 THE WITNESS: I was not aware of
3 that.

4 BY MS. LEVY:

5 Q. Did you get a communication
6 indicating that there was an accreditation
7 warning status for The New School?

8 MS. WILKINS: Object to form.

9 THE WITNESS: No.

10 BY MS. LEVY:

11 Q. Okay. Turning to your
12 professional experience, when you
13 graduated from The New School, you went
14 immediately to work at the SEIU; is that
15 correct?

16 A. That's correct. I was -- I
17 immediately started there as an intern and
18 then worked through several positions,
19 ultimately being a lead researcher at that
20 institution.

21 Q. And you were there for about
22 three and a half years, from June of 2010
23 to October 2013?

24 A. That's correct.

25 Q. Here on your résumé, you list

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2 some of the areas that you worked on. Is
3 this a comprehensive list of all of the
4 things you worked on or just a sample?

5 A. I would say it's maybe the most
6 notable things that I worked on while at
7 the union, such as the two reports that I
8 published while working there and some of
9 the work that I did at the Walter Reed
10 Medical Center, but it's by no means every
11 single thing that I did over the three and
12 a half years.

13 Q. The second bullet in this section
14 of your résumé indicates that you
15 developed and executed strategic corporate
16 campaigns by identifying appropriate
17 tactics, relevant research, and necessary
18 resources.

19 What does it mean when you say
20 you developed and executed strategic
21 corporate campaigns, what is that?

22 A. Kind of a term of art within the
23 industry. So many times my primary role
24 in that job was to deeply research the
25 history of a company that we were in

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bargaining for so that we would understand its financial position. So many of these real estate companies would have LLC corporations that owned each building so the main company would have several subsidiaries, and so I'd have to trace all of those subsidiary companies back to the main company as well as review their 10-Ks, their DEF-14s for the -- DEF-14s for the executive compensation, review news history as well as any other public filings that I could find about the company to just identify what our strategic position was. Working in that real estate industry in 2010 following the economic crisis was a particularly difficult time for bargaining, and so understanding the true financial situation of our counterparts to see where they would be able to -- where they would be able to negotiate or maybe they wouldn't, maybe they were hemorrhaging cash and didn't have and we'd have to work together to mitigate costs.

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2 Q. Work you were doing that you just
3 described was to help the union be able to
4 better bargain for its union members;
5 fair?

6 A. I would say having more informed
7 bargaining position. Whether it was
8 better or worse it just helped them know
9 as much as they could know.

10 Q. You mentioned in the next bullet
11 that you authored and managed the release
12 of two papers about the conditions of the
13 New York City public school facilities.
14 What was that about? Just briefly. I
15 don't need a lot of detail but why was the
16 union interested in condition of school
17 facilities?

18 A. During that time, it was the era
19 of Michael Bloomberg who said that he
20 would not negotiate with any union and no
21 union would get a contract. And so it was
22 my directive from the union to identify
23 issues that students and parents would
24 care about alongside the workers. And so
25 the first report that I authored was about

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the state of the physical plant of the schools, so did they have appropriate electrical backgrounds, did they have -- or electrical infrastructure. Was the walls like in good physical condition, were there leaks? The New York City School Construction Authority publishes a number of different data points that I pulled down and analyzed and so I could put together a little report that identified which schools had the lowest scores and highest scores, that sort of thing, and did a comparative analysis.

My second report then looked at the racial makeup of the school building that had better or worse conditions based off of those scores and identified patterns that I saw city wide.

Q. I notice that you mention in this bullet about those reports that the second report was widely covered by the local news.

Was that -- did you make an effort to get your report covered by the

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1 KELLER

2 local news?

3 A. The union has a communications
4 department. I'm not sure what their
5 approach is. I was 20 something at the
6 time so it was the first report that I had
7 written but I do recall testifying at the
8 City Council as a result of my report.

9 Q. Did you send your report to the
10 local news?

11 A. Not me personally, no.

12 Q. Okay. When you talk about
13 appropriate tactics in the -- in
14 developing appropriate tactics for
15 strategic corporate campaigns, is the work
16 you just described like an example of what
17 you mean by that?

18 A. Yeah, I think that when people
19 think about labor unions, they think about
20 that ugly rat that they put out in front
21 of buildings when there's a dispute. And
22 my job was to try to avoid using that rat
23 at any point in time, to use something
24 that was more compelling to the general
25 public, and so those reports are an

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2 example of that. So -- and another
3 example was identifying potential fraud at
4 the National Naval Medical Center and I
5 had done that through open source
6 intelligence research.

7 Q. Did any of your work at the SEIU
8 involve sexual assault or sexual
9 misconduct?

10 A. My role is primarily in the
11 corporate side of things so working on
12 reviewing the corporate documents and data
13 around those -- the companies that we were
14 working with.

15 Q. You don't recall doing any work
16 on the issue of sexual assault or sexual
17 misconduct while you were at the SEIU?

18 A. Not as a specific -- not as a
19 specific issue area or research area.
20 Again, most of my work was focused on the
21 financials and background of the company.

22 Q. Did you as -- you're caveating
23 it. Did you do any work at all, even if
24 it wasn't a specific research area on
25 sexual assault or sexual misconduct while

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2 you were at SEIU?

3 MS. WILKINS: Object to form.

4 THE WITNESS: I'm trying not to
5 caveat, I'm just clarifying that the
6 work that I did was predominantly in
7 those issue areas. I'm not saying
8 completely because there's three and a
9 half years of work history but as far
10 as that issue specifically, none of
11 our corporate research that I have
12 identified or that I am remembering
13 called upon that specifically. Is it
14 possible that one executive was
15 accused of malfeasance somewhere and
16 it was in a report? Possibly but I
17 don't -- I don't recall.

18 BY MS. LEVY:

19 Q. You actually anticipated my next
20 question. Did SEIU have a sexual
21 misconduct problem to your knowledge while
22 you were there?

23 MS. WILKINS: Object to form.

24 THE WITNESS: I wasn't aware of
25 one. There wasn't anything that I'm

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2 aware of, no.

3 MS. LEVY: Can we mark tab 39?

4 THE WITNESS: Will we know when
5 it's ready or do I have to refresh?

6 MS. LEVY: I think it will come
7 up on your screen. Do you see it now
8 because I can see it on mine.

9 THE WITNESS: I see it now.

10 (Exhibit 3, article titled SEIU
11 Has A Sexual Predator Problem, marked
12 for identification.)

13 BY MS. LEVY:

14 Q. Can you see it?

15 A. Yes.

16 Q. You can or cannot?

17 A. I can see it.

18 Q. This is an article from 2021 that
19 postdates your time at SEIU but the writer
20 is writing about -- the title of the
21 article is SEIU Has A Sexual Predator
22 Problem. Do you see that?

23 A. Yes, I see that that's what it
24 says on this document. I've never seen
25 this document before so --

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2 Q. Yeah, I wouldn't -- question
3 number 1 was going to be have you seen
4 this document before and I understand that
5 you have not.

6 The article references a number
7 of sexual misconduct allegations that
8 occurred previously at SEIU. My question
9 to you is: Were you aware during your
10 time at SEIU that SEIU had a sexual
11 misconduct problem?

12 MS. WILKINS: Asked and answered.

13 THE WITNESS: Let me just read
14 this.

15 (Witness perusing document.)

16 So this is an article talking
17 about -- hang on a second.

18 So again, I've not read this
19 before so this is the first time I'm
20 seeing this. It appears that most --
21 so when we're talking about SEIU you
22 have to remember there's multiple
23 local unions. There's SEIU the parent
24 organization which at the time was led
25 by Mary Kay Henry. I'm not sure if

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2 she's still in charge over there. And
3 then there was the division so there's
4 different locals. So I was part of
5 local 32 VJ and our president was --
6 oh my gosh, I'm forgetting his name
7 but he passed away suddenly. And so
8 the individuals that are -- the only
9 individual that I see here from that
10 union is Pedro Malave. I don't know
11 who that is. I never worked with that
12 person. He appears to be a staff
13 member and not a member of executive
14 leadership so I don't know who that
15 is, where they were in that
16 organization and so really a large
17 organization. But yeah, that's all I
18 have to say about that. I was not
19 aware of anything, nor do I know any
20 of the people cited in this article.

21 BY MS. LEVY:

22 Q. Do you have a reason to deny that
23 what this headline says, SEIU has a sexual
24 predator problem, or you just have never
25 heard of this one way or the other?

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2 MS. WILKINS: Object to form.

3 THE WITNESS: I have not heard of
4 it one way or the other.

5 BY MS. LEVY:

6 Q. Okay.

7 A. I don't know even what the
8 Freedom Foundation is. It's not a
9 publication that I'm familiar with so I
10 can't really say.

11 Q. We can pull that one down.
12 During your three and a half-ish years at
13 SEIU you were never asked to study data or
14 look into and specifically research
15 anything to do with sexual misconduct or
16 allegations of sexual assault; is that
17 correct?

18 MS. WILKINS: Asked and answered.

19 THE WITNESS: Are you asking with
20 regard to the union itself and its own
21 practices or with regard just
22 generally as a topic?

23 BY MS. LEVY:

24 Q. Both.

25 A. The answer is the same for both.

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2 My directive was to review corporate
3 documents and financials as well as the
4 types of work that I did for the school
5 system, especially in the last year to two
6 years of my time being at the union.

7 MS. LEVY: Can we mark Exhibit
8 38, please? Sorry, tab 38. It should
9 be Exhibit 4.

10 (Exhibit 4, article titled
11 Student Sues University Over Response
12 to Sexual Misconduct, marked for
13 identification.)

14 BY MS. LEVY:

15 Q. Have you ever heard of The New
16 School Free Press?

17 A. Yeah, I am somewhat familiar with
18 them.

19 Q. Was The New School Free Press a
20 publication that existed during your time
21 there?

22 A. I don't remember. There was an
23 active publication at the time. I don't
24 know if it was The New School Free Press
25 or something else.

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2 Q. This article which was posted
3 during your time at New School is dated
4 April 17, 2018. It refers to a lawsuit
5 brought by a student over the school's
6 response to sexual misconduct claims. Are
7 you familiar with that situation?

8 MS. WILKINS: Object to form.

9 THE WITNESS: Not at all. This
10 is the first that I'm seeing this.

11 BY MS. LEVY:

12 Q. Do you -- have you heard of or do
13 you remember at NSSR psychology department
14 co-chair Emanuele Castano, is that
15 somebody you ever encountered?

16 A. No. I don't know who that is.

17 Q. And before today, in this
18 article, you have not heard about any
19 sexual misconduct that happened between
20 this professor and a student or multiple
21 students at The New School?

22 MS. WILKINS: Object to form.

23 THE WITNESS: Let me read because
24 you're asking about the background of
25 it but --

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2 BY MS. LEVY:

3 Q. I'm just asking if you ever heard
4 of this issue.

5 A. This --

6 MS. WILKINS: Object to form.

7 THE WITNESS: The issue being the
8 lawsuit or the issue being the
9 allegations?

10 BY MS. LEVY:

11 Q. Either one.

12 A. I am not aware of either. I have
13 not heard of this until today so I
14 couldn't say but again, I've not heard of
15 any lawsuit being filed as far as the
16 faculty at The New School while I was
17 there.

18 Q. When you were at The New School,
19 did the school have a problem with sexual
20 misconduct?

21 MS. WILKINS: Object to form.

22 THE WITNESS: Not that I'm aware
23 of. Again, I went to school, I did my
24 studies, I didn't have any problems
25 and my classmates as far as I was

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2 aware didn't have any problems but I
3 really don't know.

4 BY MS. LEVY:

5 Q. Okay. And you don't know whether
6 the allegations that are referred to in
7 this article which refers to a lawsuit,
8 you have no idea anything about the
9 allegations, whether they are true or
10 false?

11 MS. WILKINS: Asked and answered.

12 THE WITNESS: Yeah, this is years
13 after. When is this dated, April
14 2018, that's eight years after I
15 graduated so I have no idea what this
16 is about. This is the first time I'm
17 seeing it.

18 BY MS. LEVY:

19 Q. And do you believe that The New
20 School is immune from sexual misconduct?

21 MS. WILKINS: Asked and answered,
22 outside the scope of her report.
23 She's not here to talk about The New
24 School and any potential allegations
25 that have been made about it.

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2 THE WITNESS: I haven't given it
3 any thought, to be honest. So this is
4 the first that these issues have been
5 brought to me so this is -- I haven't
6 given it thought before this.

7 BY MS. LEVY:

8 Q. When you left the SEIU, did
9 you -- while you were at SEIU, did you
10 study any participant in the
11 transportation industry?

12 MS. WILKINS: Object to form.

13 THE WITNESS: Boy, you're making
14 me think back almost 20 years. Most
15 of our studies were on theoretical
16 economics, econometrics and statistics
17 and then my thesis which was based off
18 of pensions. To the extent that I
19 mean the pensioners that I was
20 studying worked in the transportation.
21 Because that industry is often
22 unionized or sometimes unionized, I
23 should say, I might have overlap there
24 but that's kind of the major areas of
25 study while I was there.

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2 BY MS. LEVY:

3 Q. Okay. To ask you a more specific
4 question, you've never studied safety of
5 taxis, for example?

6 MS. WILKINS: Object to form.

7 THE WITNESS: I have looked at
8 some public datasets a long time ago
9 relating to public safety for the data
10 availability even of that data, the
11 availability of that data, but I am
12 not offering any opinions on that in
13 my report.

14 MS. LEVY: And Bill, you can pull
15 down that exhibit.

16 BY MS. LEVY:

17 Q. Let me make sure I understand
18 your answer. For purposes of work in this
19 case are you saying you looked for the
20 availability of safety information about
21 taxis?

22 A. So I'm saying in the past while I
23 was at the AG's office, even for my -- not
24 my graduate, my senior level students that
25 I teach, I think they look at some bike

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2 share data. We've looked at
3 transportation data specifically. I know
4 that when I'm at the AG's office I've
5 looked at a number of datasets that are
6 publicly available. So I'm not offering
7 opinions on that. That's not the purpose
8 of my report, so I don't have anything
9 more to say. But generally, have I ever
10 looked at data? It's possible. I looked
11 at a lot of data when I was in previous
12 positions.

13 Q. For purposes of this report, you
14 haven't made any comparison of the safety
15 of Uber to any other alternative; correct?

16 A. The purpose of my report was in
17 some ways similar to the purposes of
18 reports that I've done before, and I think
19 you're very familiar with them where
20 showing the data that in the past I would
21 have said known or could have known
22 because we were working with different
23 datasets. In this litigation the purpose
24 of my report is to show what Uber -- what
25 data Uber had in its possession and the

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2 knowledge that it had about that data
3 compared to what it was showing the
4 public. So making comparisons to the taxi
5 industry was not necessary to do to carry
6 out my primary purpose of the report.

7 Q. So the answer is no, you have not
8 looked at safety data for alternatives to
9 Uber, you've only looked at Uber's data;
10 correct?

11 MS. WILKINS: Asked and answered.

12 THE WITNESS: The answer is it
13 was not necessary to carry out my goal
14 which was to show the data that Uber
15 had in its possession, the knowledge
16 that it had about that data and what
17 it was doing with it compared to what
18 it was telling the public.

19 BY MS. LEVY:

20 Q. Okay. And given that you have
21 not looked at or studied or provided
22 opinions on the alternatives, I can assume
23 that you don't intend to give opinions in
24 this case about Uber's relative safety
25 compared to other things; is that correct?

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2 MS. WILKINS: Object to form.

3 Also asked and answered.

4 THE WITNESS: You're breaking up
5 a tiny bit for me but I think you
6 asked whether I intended to offer any
7 opinions. Again, the Flack data was
8 just produced a week ago I would say,
9 so I have reserved my right to review
10 that data. I'm not sure of my
11 opinions that I will offer at this
12 time.

13 BY MS. LEVY:

14 Q. You are not intending to offer
15 any opinions on the relative safety
16 between Uber and other alternatives to
17 Uber, true or false?

18 MS. WILKINS: Object to form.

19 THE WITNESS: Again, the data is
20 still -- has just been produced and I
21 reserve my right to analyze that data
22 so I can't say one way or another. I
23 don't know.

24 BY MS. LEVY:

25 Q. Do you think the Flack data has

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2 information about other alternatives to
3 Uber?

4 A. You're asking me if I intend to
5 offer any opinions about the relative
6 risk, and to do such a thing would require
7 analyzing Uber data and I haven't analyzed
8 that dataset yet and so it is -- I just
9 don't want to theorize what I might be
10 doing because I haven't given that dataset
11 a full review.

12 Q. As you sit here today, you have
13 done no research and no looking at other
14 data that's not Uber, alternatives to
15 Uber; is that true?

16 MS. WILKINS: Asked and answered.

17 THE WITNESS: My report shows
18 what data Uber has in its possession,
19 what it knows about that data and how
20 it has used that data. And I compare
21 those facts to what Uber tells the
22 public. That's what's in my report
23 and that's the opinions that I am
24 currently offering.

25 ///

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2 BY MS. LEVY:

3 Q. When you left the SEIU you went
4 to work at the New York State Attorney
5 General's office?

6 A. That's correct.

7 Q. And you were there for just over
8 four years from 2013 in October to 2017
9 November; correct?

10 A. Yes.

11 Q. Who was the AG at the time you
12 worked for the AG's office?

13 A. Eric Schneiderman.

14 Q. Did you know Attorney General
15 Schneiderman?

16 A. Yes.

17 Q. And the work that is listed on
18 your résumé under New York State AG's
19 office, is that a true and accurate
20 summary of the work, the highlights of the
21 work you did during your four years there?

22 A. Can I pull that back up?

23 Q. Sure.

24 A. This is definitely the highest of
25 highlights but there are other cases that

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2 I discuss in my qualifications document in
3 text form that also highlight some of my
4 work at that office.

5 Q. While you were in the New York
6 State AG's office, did you ever study or
7 research sexual assault and sexual
8 misconduct specifically?

9 MS. WILKINS: Object to form.

10 THE WITNESS: I'm not sure how
11 you are defining sexual misconduct and
12 here's what else I did work on. We
13 worked on -- what can I say without
14 violating confidentiality -- I would
15 say I worked on a potential human
16 trafficking case using public datasets
17 and I don't think anything has been
18 disclosed publicly about that case so
19 I think that's about the extent to
20 which I can talk about that.

21 BY MS. LEVY:

22 Q. Understood. At a very general
23 level, was that work an investigation of a
24 potential defendant or like a -- let me
25 back up and ask it a different way.

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2 In the past you've described the
3 gun trafficking dashboard that you
4 developed while at the AG's office in
5 New York, and my understanding at a high
6 level of that work was you took large sets
7 of data and were attempting to pinpoint
8 where illegal activity was. Is that a
9 fair summary?

10 A. The gun trafficking dashboard
11 unit was paired with additional
12 investigative work and leads but that
13 dashboard was to provide the public with
14 -- realtime wasn't available, but with the
15 most up-to-date data that we had from ATF
16 on the state of gun trafficking to allow
17 the public to identify the trends and
18 patterns that they found to be of
19 interest. Many of the reports that ATF,
20 the Bureau of Alcohol, Tobacco and
21 Firearms were putting out at the time were
22 very high level. They would give overall
23 totals for the whole state which means
24 New York City would be dwarfing the rest
25 of the trends for like Buffalo and

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2 Rochester and smaller cities Upstate. So
3 the tool that we created allowed users,
4 whether it was local leaders or the
5 general public, to drill into specific use
6 cases -- or I'm sorry, specific patterns
7 that they wanted to see.

8 Q. Was the goal to try to reduce or
9 eliminate illegal gun trafficking?

10 A. I think the goal was to give --
11 give leaders and decision-makers more
12 information than they ever had previously
13 because that information just was made
14 available in these very aggregated
15 reports. The specific investigative
16 pieces of those and specific leads, it was
17 public data so I don't think that that --
18 you couldn't go creating leads out of that
19 dataset, that public dashboard, because it
20 was scrubbed public data. There's a
21 number of other dashboard that we created
22 that was for trafficking investigations,
23 that were law enforcement sensitive.

24 Q. Has the State of New York been
25 able to eliminate illegal gun trafficking?

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2 MS. WILKINS: Object to form,
3 outside the scope of her report and
4 the opinions that she's here to talk
5 about today as she's offering
6 information.

7 THE WITNESS: I haven't been in
8 contact with leaders at New York AG's
9 office about this issue and so I
10 wouldn't be able to say one way or the
11 other. I know that dashboard is still
12 live and that we continue to work with
13 law enforcement officials nationwide
14 on another gun trafficking platform.

15 BY MS. LEVY:

16 Q. The New York -- studying an issue
17 and applying data analytics and learning
18 everything you can learn about it, you've
19 done a lot of that in your career. In
20 fact, you've been on the forefront of some
21 efforts on that in various areas that we
22 see in your résumé; true?

23 A. The New York Attorney General's
24 office was the first AG's office to hire a
25 data scientist nationwide so I would say

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2 western at the forefront in that division
3 and that division is really large now. I
4 think it's well over 10 people, if I
5 recall.

6 Q. And I assume you would agree with
7 me that when it comes to safety and trying
8 to reduce illegal activity, it's a good
9 thing to hire data scientists and study
10 the issues and try to use data to that
11 end; correct?

12 MS. WILKINS: Object to form.

13 THE WITNESS: Our role was
14 revolutionary to the office because we
15 were able to -- and I remember vividly
16 my first report at the office was on
17 Airbnb and they came into
18 New York City and we had received data
19 from that company and I was able to
20 identify where that company was
21 operating -- or not the company, where
22 people were renting out their
23 apartments on that platform and doing
24 so illegally. The illegality part of
25 that, of course, I needed the

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2 assistance of a lawyer for, but my
3 department was able to do things like
4 that which would have primarily been
5 through anecdotes or surveys prior to
6 my arrival. And after my arrival they
7 were able to look at the whole
8 picture, analyze all of the data that
9 was obtained through subpoena or
10 through public records.

11 BY MS. LEVY:

12 Q. And you applied that kind of work
13 to gun trafficking, illegal Airbnb rentals
14 and other issues; right?

15 MS. WILKINS: Object to form,
16 vague.

17 THE WITNESS: Because I was the
18 head of the data team we used data to
19 support the investigative or
20 litigation efforts -- I would say
21 investigative would be the -- the
22 investigative, the pre-investigative
23 efforts of the office no matter what
24 the topic was. So I would work with
25 the Internet Protection Bureau to the

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2 Consumer Protection Bureau all the way
3 to the Labor Bureau. We would see
4 just a myriad of different cases
5 throughout my time there.

6 BY MS. LEVY:

7 Q. Were you ever asked to perform
8 research, data analytics, data mining on
9 sets of data relating to sexual assault or
10 sexual misconduct while you worked at the
11 New York State AG's office?

12 A. So when you say relating to, I'm
13 still thinking of that prostitution/human
14 trafficking case because we did mine a
15 number of data sets including a dataset
16 that was basically a clearinghouse for
17 reviews. But that's --

18 Q. Without saying anything at all
19 confidential, we're getting close to it,
20 was that an effort to find a single
21 perpetrator or to identify trends of
22 misconduct or multiple perpetrators?

23 A. Both. It was to identify -- if
24 there was a trend, I would say if there
25 were red flags, to borrow from previous

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2 work, red flags within an industry that we
3 were reviewing and then identify actors
4 worthy of investigation as a next step in
5 that work.

6 Q. As a result of that effort, did
7 you expect to eliminate all prostitution
8 or eliminate all human trafficking?

9 MS. WILKINS: Object to form.

10 THE WITNESS: That was -- I don't
11 want to say too much about the
12 industry but we were focused on a
13 particular industry, not human
14 trafficking at large, it was a
15 particular industry.

16 BY MS. LEVY:

17 Q. Was the State of New York able to
18 fully eliminate prostitution and human
19 trafficking in that industry?

20 MS. WILKINS: Object to form and
21 again it's outside the scope of the
22 opinions Ms. Keller is offering in her
23 report in this litigation.

24 THE WITNESS: I cannot say what
25 the outcome of the investigative work

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2 is because it is under
3 confidentiality. I don't think that
4 anything has been released publicly
5 about that work, unfortunately, so I
6 can't say what the result of that work
7 is.

8 BY MS. LEVY:

9 Q. Let me ask you more generally as
10 a data scientist who's worked at assisting
11 law enforcement. Do you agree or disagree
12 that even if you apply the best study and
13 the best research, that does not
14 necessarily mean you can completely
15 eradicate illegal activity, do you agree
16 with that or do you disagree with that?

17 MS. WILKINS: Object, overbroad,
18 vague.

19 THE WITNESS: I agree that data
20 provides us with information and we
21 can use data such as how we did at the
22 AG's office to do data-driven law
23 enforcement or policing or another
24 phrase is like evidence-based
25 policing. Those are key phrases in

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2 that industry. Data can help you
3 prioritize resources and that was a
4 really effective use of data for us is
5 when you have limited resources at the
6 AG's office, being able to prioritize
7 your investigative efforts, data
8 allows you to do that. So it allows
9 you to make informed decisions and use
10 your resources wisely.

11 BY MS. LEVY:

12 Q. Can data stop criminals from
13 committing crimes?

14 MS. WILKINS: Object to form.
15 We're really outside of the scope of
16 Ms. Keller's opinions in this
17 litigation.

18 MS. LEVY: This is like the --
19 I've been trying to be patient with
20 speaking objections. You can object
21 to form. We are -- as you know, from
22 the court order you are not allowed to
23 say them.

24 MS. WILKINS: That is not
25 accurate for expert witnesses. I'll

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2 restart.

3 Ms. Levy, what you said is not
4 accurate. I believe what you are
5 referencing is a court order that was
6 in place for witnesses, custodial
7 witnesses, but doesn't apply to expert
8 witnesses. I have not made speaking
9 objections. Objecting to form as
10 being vague or overbroad is proper.
11 Objecting to questions being outside
12 of the scope of the expert's report is
13 also proper.

14 MS. LEVY: I'm referring to the
15 federal rules. We can agree to
16 disagree. If I need more time, we
17 will address that at the back end.
18 You do that at your own risk.

19 BY MS. LEVY:

20 Q. Ms. Keller, do you know -- let me
21 make sure I got an answer to my last
22 question. Do you believe, yes or no, that
23 data, reviewing data and studying data can
24 prevent criminals from committing crimes?

25 MS. WILKINS: Same objections.

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2 THE WITNESS: Data allows law
3 enforcement officers, advocates, never
4 studying that area, to make informed
5 decisions about what that criminal
6 behavior might be. If you're looking
7 for as exemplified in the Airbnb
8 report, repeat offenders or large
9 operators of operations within
10 New York City, if you're looking for
11 in the trafficking data those
12 individuals who have purchased a
13 number of guns that did not -- that
14 they did not keep themselves and that
15 they had passed on to others and
16 someone else was in possession of
17 those guns, data allows law
18 enforcement officers or the people who
19 are studying that to make informed
20 decisions, potentially policies,
21 potentially laws about that data.

22 BY MS. LEVY:

23 Q. And from your observations and
24 what you've seen in the materials you've
25 reviewed for this case, you're aware that

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2 Uber has, in fact, taken -- employed data
3 scientists and data teams to do exactly
4 that, to study the issue of sexual assault
5 and misconduct, you're aware of that;
6 right?

7 MS. WILKINS: Object to form.

8 THE WITNESS: I have a number of
9 opinions in my report about the
10 information that Uber has, what it
11 knew about that information and ways
12 that it has chose to employ that. One
13 example that comes to mind is the
14 S-RAD program that Uber used and
15 created to, quote, prevent sexual
16 assaults and I offer a number of
17 opinions in my report on that program
18 specifically.

19 BY MS. LEVY:

20 Q. And S-RAD is a technology that
21 Uber invented from scratch, it doesn't
22 exist before Uber developed it; correct?

23 A. Like I said, S-RAD was a program
24 that Uber created to, quote, prevent
25 sexual assaults. They did so starting in

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2 2017 using the data that it had been
3 collecting for a number of years. And at
4 the time, I think they looked at over 200
5 different metrics to include in the model.

6 Q. And you don't know of any other
7 model that's anything like S-RAD to study
8 this issue, do you?

9 MS. WILKINS: Object to form.

10 THE WITNESS: So S-RAD has a very
11 specific role in Uber. It's a tool
12 that Uber has at its disposal to -- as
13 part of its pairing algorithm. I
14 would not describe it fully as a
15 study. It's something beyond a study.

16 BY MS. LEVY:

17 Q. Can you point me to any other
18 corporation or any other model that's been
19 developed that you're aware of to study
20 sexual assault and misconduct that's like
21 S-RAD or that's better than S-RAD, have
22 you ever seen anything else like that?

23 MS. WILKINS: Object to form.

24 THE WITNESS: So at its core,
25 Uber is a machine-learning algorithm.

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2 Companies and corporations have made
3 their millions and billions off of
4 machine-learning algorithms. Netflix
5 recommends movies to you. That is a
6 machine-learning algorithm.
7 Machine-learning algorithms can be
8 used wherever Uber has chosen to use
9 machine learning -- this
10 machine-learning algorithm to prevent
11 sexual -- or in their words to prevent
12 sexual assaults. And only Uber has
13 the data to do that because it is
14 their own data that they have been
15 collecting on users, trips, drivers,
16 user's phones for a number of years.

17 BY MS. LEVY:

18 Q. Do you remember my question?

19 A. I do and I just answered it.

20 Q. What was the question?

21 A. Am I aware of any other company
22 that developed -- I can't get the wording
23 exactly right -- a program like S-RAD to
24 study sexual assault.

25 Q. Let me be more specific because I

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2 don't think you were understanding me.

3 Can you identify for me any other
4 company that has developed a complex model
5 to study sexual assault?

6 MS. WILKINS: Object to form,
7 also asked and answered at least
8 twice.

9 THE WITNESS: S-RAD at its core
10 is a machine-learning algorithm.
11 Companies use them all the time to
12 study -- or not even to study -- to
13 identify and predict a particular
14 outcome. It would be impossible for
15 me to study every company's algorithms
16 and they probably wouldn't even let me
17 because those are proprietary. And
18 even Uber was very specific about how
19 I had to access their data due to the
20 sensitive and proprietary natures of
21 such things. So S-RAD is not unique
22 in that it uses at its core machine
23 learning. That is something that's
24 available to all companies.

25 MS. LEVY: I'm going to move to

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2 strike as nonresponsive and if we
3 can't get a straight answer to various
4 straightforward questions we're going
5 to have to get another day of time.
6 So just letting you guys know.

7 BY MS. LEVY:

8 Q. My question is: Can you identify
9 any other corporation that has developed a
10 tool to study sexual assault and sexual
11 misconduct, can you identify one, name
12 one?

13 MS. WILKINS: I'm going to object
14 to the improper motion to strike. You
15 know it's not allowed in this case and
16 also again to the question as having
17 been asked and answered and it's
18 vague. You can ask her a more
19 specific question. I won't object to
20 it.

21 BY MS. LEVY:

22 Q. Identify the company that has
23 done something like this.

24 MS. WILKINS: And that's vague.

25 THE WITNESS: I would be

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2 theorizing if I were to try to
3 identify a company because all --
4 companies have at their disposal
5 machine learning. And especially with
6 the advent of AI, machine learning is
7 becoming more and more democratized to
8 corporations. So I would be guessing
9 if any company had or had not done
10 this exact same thing. I don't know.
11 And it is not particularly -- and at
12 its core it's machine learning.
13 That's it.

14 BY MS. LEVY:

15 Q. You can't identify any company
16 that's put more resources and effort to
17 studying the issue than Uber, can you?

18 MS. WILKINS: Asked and answered.

19 I object to form.

20 THE WITNESS: That would require
21 me to give an informed response on
22 that, would require me to have done
23 and had access to the same amounts of
24 documents that was produced in this
25 litigation for other companies. And

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2 we know that that's not how companies
3 operate. They don't just open up
4 every document, every database unless
5 they are forced to. So that is just
6 an impossible thing for me to know.

7 BY MS. LEVY:

8 Q. Thank you. When you worked at
9 the New York State Office of Attorney
10 General, you were not asked to analyze
11 other than what you've already testified
12 to about prostitution and human
13 trafficking, you were not asked to analyze
14 datasets about sexual assault and
15 misconduct relating to transportation
16 other than what you've already told us; is
17 that correct?

18 MS. WILKINS: Object to form.

19 THE WITNESS: I'm just thinking.
20 I worked on so many issues while I was
21 there and was asked often to research
22 potential areas of investigations. It
23 is entirely possible that I researched
24 something related to transportation or
25 sexual assault, but I had a number of

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2 cases that I was balancing and that my
3 team was balancing at the time. So I
4 guess that's the best that I can
5 answer that question.

6 BY MS. LEVY:

7 Q. As part of your work in this
8 case, did you look at or research
9 prevalence of sexual assault and
10 misconduct outside of Uber in places that
11 are not Uber?

12 A. So my opinions in this case and
13 in my report discuss the information that
14 Uber had, that it knew about, how it used
15 it and what it told the public. That is
16 my opinion in this matter and that was not
17 a necessary exercise to form the opinions
18 about what Uber knew versus what they told
19 the public.

20 Q. So no, you did not do that?

21 MS. WILKINS: Asked and answered.

22 THE WITNESS: My answer is it was
23 not necessary because that was not
24 part of my opinion. My opinion was
25 what did Uber know and what did it do

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2 with that information and what did it
3 tell the public.

4 BY MS. LEVY:

5 Q. And because it wasn't necessary,
6 you didn't look at that; correct?

7 MS. WILKINS: Asked and answered.

8 THE WITNESS: Again, same answer.

9 My report similar to the reports that
10 I have offered in the past shows the
11 information that the entity, in this
12 case Uber, had in its possession and
13 what they did with that information
14 and then in this case what they told
15 the public.

16 BY MS. LEVY:

17 Q. Did someone instruction you that
18 you can't say yes or no to questions?

19 A. I'm explaining my answer because
20 a yes or no is not comprehensive of the
21 work that I've done here. A yes or no is
22 your phrasing of it and so I'm trying to
23 explain where I'm coming from. I'm a
24 thorough person and I want to give
25 thorough answers.

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2 Q. So when I ask you if you studied
3 the rate of sexual misconduct outside of
4 Uber you can't answer that with a yes or
5 no?

6 A. Because it's not necessary for my
7 assignment and I'm telling you what my
8 assignment is to give a complete and
9 honest answer.

10 Q. There is no institution that
11 you're aware of, no place unfortunately
12 that is immune from sexual assault and
13 misconduct; do you agree with that?

14 MS. WILKINS: Object to form.

15 THE WITNESS: I don't know what
16 this phrase immune to sexual assault
17 means. What are you asking me?

18 BY MS. LEVY:

19 Q. Sexual misconduct and sexual
20 assault is a reality in our society; do
21 you agree with that?

22 A. These are -- I know that Uber
23 says that in its safety reports and it
24 says that to the public. I don't really
25 have -- yeah, I know that Uber says that

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2 in its safety reports. I know that it's
3 aware of the underreporting that occurs on
4 the platform and beyond that, I don't
5 often opinions on that.

6 Q. You can't answer whether Uber --
7 whether -- excuse me, strike that.

8 You can't answer the question
9 whether sexual misconduct is a societal
10 problem in New York, for example, it's a
11 problem in New York?

12 MS. WILKINS: Object to form.

13 THE WITNESS: I don't know how
14 you're defining problem, whether what
15 that value term means to you. What I
16 do know is Uber's own partner says
17 that it's an issue nationwide, that
18 underreporting especially is an issue
19 nationwide and that Uber's internal
20 documents show that underreporting is
21 especially a problem at the company.
22 That's the extent of my opinions on
23 that.

24 BY MS. LEVY:

25 Q. We'll get to underreporting in a

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2 few minutes but you don't have any reason
3 to disagree with Uber's statement that
4 sexual assault, sexual misconduct is a
5 societal problem, you don't disagree with
6 that?

7 MS. WILKINS: Asked and answered.

8 THE WITNESS: The opinions that I
9 offer in my report, I don't -- if I am
10 talking about that Uber statements
11 specifically, it is in regard to
12 underreporting nationally and with
13 regard to the platform. I don't have
14 opinions on societal influences or
15 societal problems. I'm here to talk
16 about the data that Uber had, what it
17 did with that and what it told the
18 public.

19 BY MS. LEVY:

20 Q. Before we move on from that, you
21 do not have an opinion on whether sexual
22 assault and sexual misconduct is a problem
23 in our society?

24 A. I'm offering opinions on the data
25 that Uber had, what it knew about that

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2 data, what it did with that data, all
3 S-RAD and other programs, or S-RAD I
4 should say, and how underreporting
5 occurred not only nationwide but in the
6 platform. That's -- that is examples of
7 my opinions on this.

8 Q. The New York State Office of
9 Attorney General had a problem with sexual
10 misconduct while you were working there;
11 correct?

12 MS. WILKINS: Object to form,
13 misstates prior testimony.

14 THE WITNESS: I don't think we've
15 discussed this. What are you
16 specifically talking about?

17 BY MS. LEVY:

18 Q. Did the New York AG's office have
19 a problem with sexual assault and
20 misconduct when you were employed there?

21 MS. WILKINS: Object to form.

22 THE WITNESS: Not that I was
23 aware of.

24 MS. LEVY: Mark tab 41.

25 (Exhibit 5, article from The

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2 New Yorker, marked for
3 identification.)

4 THE VIDEOGRAPHER: And Counsel,
5 just while we're waiting for that
6 document, this is the videographer,
7 we're about 12 minutes away from
8 needing to take a short break and
9 change the media.

10 MS. LEVY: Thank you, perfect.
11 I'll ask about this document and then
12 we can take a break.

13 THE VIDEOGRAPHER: Thanks.

14 BY MS. LEVY:

15 Q. We're marking as Exhibit 5 an
16 article from May of 2018 that is titled
17 Four Women Accuse New York Attorneys
18 General of Physical Abuse, with the
19 subheading, Eric Schneiderman has raised
20 his profile of a voice against sexual
21 misconduct. Now after suing Harvey
22 Weinstein, he faces a #MeToo reckoning of
23 his own. Have you read this article
24 before?

25 A. I believe I read it when it came

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2 out but I haven't reviewed it since then.

3 Q. Can you turn to the next page of
4 this article? Do you recognize the person
5 pictured here?

6 A. Yes.

7 Q. And who is that?

8 A. That's Eric Schneiderman.

9 Q. And he was the Attorney General
10 of New York; correct?

11 A. Yes.

12 Q. And he resigned as the Attorney
13 General of New York after being accused of
14 sexual misconduct by multiple women;
15 correct?

16 MS. WILKINS: Object to form.

17 THE WITNESS: That's my
18 understanding from reading from the
19 news media. I wasn't at the office at
20 that time.

21 BY MS. LEVY:

22 Q. You were at the office between
23 2013 and 2017 while he was the Attorney
24 General; correct?

25 A. That's correct but I wasn't at

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2 the office on the day that he resigned or
3 when this article was published.

4 Q. Okay. And as you sit here today,
5 you are unable to say whether even the
6 New York Attorney General's office has a
7 problem with sexual assault, had a problem
8 with sexual assault and misconduct?

9 MS. WILKINS: Object to form.

10 THE WITNESS: I was -- I was not
11 aware of any of these allegations
12 while working there, nor did my
13 interactions with him ever make me
14 think that there was anything going on
15 to what was brought up in these
16 articles. So to say that it was a
17 shock when this article came out would
18 be an understatement.

19 BY MS. LEVY:

20 Q. Do you agree or disagree that
21 even the New York AG's office, highest law
22 enforcement office in the State, is not
23 immune from sexual misconduct?

24 MS. WILKINS: Object to form.

25 ///

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2 BY MS. LEVY:

3 Q. We know that today; correct?

4 MS. WILKINS: Object to form.

5 THE WITNESS: That office -- I
6 don't know exactly what there is to
7 say about that. This is not something
8 I really planned on discussing because
9 it's not part of my report so I
10 just -- yeah, I wasn't really prepared
11 to discuss this.

12 MS. LEVY: You can pull that
13 down, Bill.

14 BY MS. LEVY:

15 Q. The next attorney general after
16 Eric Schneiderman was Letitia James.
17 She's still the Attorney General today.
18 Did you know that?

19 A. Yes.

20 Q. Even her office is not immune
21 from sexual misconduct; correct?

22 A. Is there an example that you're
23 referencing?

24 Q. Are you aware of sexual
25 misconduct that has occurred in the last

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2 few years in the current New York Attorney
3 General's office?

4 A. I don't know what you're talking
5 about.

6 MS. LEVY: Let's mark tab 42.

7 (Exhibit 6, statement from
8 Attorney General James, marked for
9 identification.)

10 BY MS. LEVY:

11 Q. This is a statement from December
12 of 2022 from the current New York Attorney
13 General Letitia James, and this is a
14 statement I'll represent to you that she
15 made publicly in December of 2022 after
16 dismissing her chief of staff, Ibrahim
17 Khan.

18 A. This is the first that I'm seeing
19 this.

20 Q. Okay. And my question for you is
21 even today, even in Letitia James' office,
22 that office is not immune itself from
23 sexual misconduct?

24 MS. WILKINS: Object to form.

25 Again, these questions are well

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2 outside of the scope of Ms. Keller's
3 opinion and her expertise and the
4 reason that she's here to provide her
5 deposition testimony today.

6 BY MS. LEVY:

7 Q. Do you agree, disagree or have no
8 opinion?

9 A. I'm not offering any opinions on
10 other industries. I think I said probably
11 to ad nauseam what I am doing in my
12 report, which is showing what data Uber
13 had, what it did with it and what it told
14 the public.

15 Q. Just to be very clear, as we sat
16 here this morning and looked at reports of
17 sexual misconduct from all the places on
18 your résumé through 2017, The New School,
19 the SEIU, the New York Attorney General's
20 office --

21 THE VIDEOGRAPHER: We lost the
22 witness's video. I think we should go
23 off the record.

24 MS. WILKINS: Can you hear me,
25 guys?

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2 MS. LEVY: I can hear you. I
3 have one more question and then we can
4 take a break but I don't want to go
5 off the record until we finish this
6 last question.

7 THE VIDEOGRAPHER: We just --
8 okay.

9 MS. LEVY: You can pull down this
10 exhibit and let's see if we can get
11 through it --

12 MS. WILKINS: We just lost audio
13 and actually Lacey lost her connection
14 all together. So would now be a good
15 time for a break while get reset?

16 MS. LEVY: Yes, we can take a
17 break. Will we take 10?

18 MS. WILKINS: 10 should hopefully
19 do it. We'll check in at least in 10.

20 THE VIDEOGRAPHER: Going off the
21 record. The time is 12:59 p.m.
22 Eastern. This is the end of media
23 unit 1.

24 (Recess taken from 12:59 p.m. to
25 1:13 p.m.)

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2 THE VIDEOGRAPHER: We're back on
3 the record. The time is 1:13 p.m.
4 Eastern time. This is the beginning
5 of media unit 2.

6 BY MS. LEVY:

7 Q. Ms. Keller, my question to you is
8 after being shown reports this morning of
9 sexual misconduct at The New School, at
10 SEIU, at the New York AG's office, all
11 places where you have spent time in your
12 career, are you unable to say to the jury
13 that you agree that sexual misconduct is a
14 societal problem?

15 MS. WILKINS: Object to form.

16 THE WITNESS: I'm not here to
17 talk about that as a societal problem.
18 I'm here to talk about what data Uber
19 had in its possession, what it did
20 with that data and what it told the
21 public. That's my opinions in this
22 matter. I'm not offering opinions on
23 society. I didn't come to -- I didn't
24 come prepared to offer opinions on
25 societal issues. I've come to talk

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2 about Uber's data and how they used
3 it.

4 BY MS. LEVY:

5 Q. And how sexual misconduct related
6 to the Uber platform compares to the
7 outside world is not something that you've
8 looked at or thought about in your work
9 for this case?

10 A. That analysis was not necessary
11 to do my analysis which was compare and
12 contrast what Uber had, the volumes of
13 incidents that it had in its possession,
14 what it knew about that data, what it did
15 a with that data and what it told the
16 public. I was not --

17 Q. I'm sorry, I didn't mean to cut
18 you off. You were asked to look at Uber
19 only, not asked to look at Uber in the
20 context of a larger society?

21 MS. WILKINS: Object to form.

22 THE WITNESS: I looked at Uber's
23 data in that it collected and it knew
24 it had underreporting issues.

25 ///

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2 BY MS. LEVY:

3 Q. You mentioned underreporting a
4 few times. All you know about
5 underreporting is Uber's own statement
6 about it; correct?

7 MS. WILKINS: Object to form.

8 THE WITNESS: I know of documents
9 that discuss it as well as Uber's
10 statements to the public about
11 underreporting.

12 BY MS. LEVY:

13 Q. So you personally were not asked
14 to study the issue of underreporting. You
15 don't know and you didn't tabulate any
16 rate of underreporting. Is it true or
17 false? Did you tabulate a rate of
18 underreporting?

19 MS. WILKINS: Object to form and
20 object to interrupting the witness.

21 THE WITNESS: That would be a
22 different analysis. My analysis was
23 that of what Uber had knowing that
24 there was -- so that this is a floor,
25 this is of the data that is

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2 potentially or of -- this is a floor
3 of the potential issue on the
4 platform, that is my opinions and
5 where my opinions center around is
6 that data.

7 BY MS. LEVY:

8 Q. Today in the five and a half
9 hours I have left I'm going to ask you a
10 lot of questions about did you do a
11 particular analysis, yes or no, and I need
12 to understand if you did or didn't do it
13 and I really need you to answer that
14 question. If I can't get you to tell me
15 directly whether you did an analysis or
16 didn't do an analysis. I'm not asking
17 whether it was necessary, whether it would
18 be different. I just mean did you do it,
19 that's all I want to know. And so I'm
20 hopeful that we don't have to waste a lot
21 of time. But if I can't get you to tell
22 me whether you did it or not did it, we're
23 going to have to get the court to come and
24 listen in because I am entitled to a
25 straight answer to that question. So let

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2 me try it one more time because this isn't
3 even controversial. Did you, Lacey
4 Keller, tabulate a rate of sexual assault
5 on Uber, yes or no?

6 A. And I'm saying why I didn't do
7 that because it was not necessary for my
8 analysis. My analysis compares the data
9 Uber had versus what it told the public.

10 Q. No, you didn't do that analysis;
11 is that correct?

12 MS. WILKINS: Asked and answered.

13 THE WITNESS: Because it was not
14 a necessary step in my analysis.

15 BY MS. LEVY:

16 Q. Did you look at the rate of
17 sexual assault on the Uber platform versus
18 taxis?

19 A. I guess this is the same
20 variation of your previous question which
21 I thought I've answered is it's not
22 necessary to do my analysis when my
23 analysis is looking at the data that Uber
24 had versus what it told the public versus
25 what it did with that data internally.

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2 Q. Did you compare the rate of
3 reported sexual misconduct on the Uber
4 platform to any other alternative a person
5 would have?

6 MS. WILKINS: Object to form.

7 THE WITNESS: Same answer as
8 before.

9 BY MS. LEVY:

10 Q. The answer is that you did not do
11 that?

12 A. The answer is that it was not
13 necessary because I did something
14 different and I looked at what Uber knew
15 versus what they told the public versus
16 what they did with that data.

17 Q. And in connection with your
18 opinions in this case, you are not
19 intending to offer any opinions about
20 safer alternatives to Uber; correct?

21 MS. WILKINS: Object to form.

22 THE WITNESS: As I said before
23 today -- as I said before in this
24 deposition today, I reserve my right
25 to offer additional opinions. I do

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2 not hold those opinions sitting here
3 today. I do not have or offer those
4 opinions sitting here today.

5 BY MS. LEVY:

6 Q. You are not -- you don't intend
7 to tell the jury a rider could do X, Y or
8 Z and that would be safer than taking an
9 Uber?

10 MS. WILKINS: Object to form.

11 THE WITNESS: Again, I don't
12 know. I have reserved my right to
13 offer additional opinions. I know
14 there was data that was just produced
15 last week. Sitting here today, I
16 don't know what those opinions are. I
17 don't offer those opinions in my
18 report as filed today.

19 BY MS. LEVY:

20 Q. Okay. You have no opinion on
21 whether Uber is safer than taxis, correct,
22 no opinion on that?

23 MS. WILKINS: Asked and answered.

24 THE WITNESS: It's the same
25 answer that I've given dozens of times

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2 before so I don't know how else to say
3 it differently. This was not
4 necessary for my analysis.

5 BY MS. LEVY:

6 Q. You have no opinion on whether
7 it's safer to take an Uber home or drive
8 drunk, no opinions on that?

9 A. Same answer as the previous one,
10 it's not necessary to my analysis.

11 Q. You have no opinion on whether
12 it's safer to take an Uber than to walk
13 home from a bar, for example, no opinions
14 on that either; correct?

15 A. Same answer as my previous
16 answer, it was not necessary for my
17 analysis.

18 Q. And the answer would be the same
19 if I asked you have no opinion as to
20 whether Uber is safer than any other
21 alternative, that is not something you've
22 looked into for your opinions in this
23 case; correct?

24 MS. WILKINS: Object to form.

25 THE WITNESS: I've looked at

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2 what's been reported to Uber, what
3 they categorized, what they did with
4 that data and what they told the
5 public about it. That's my opinions.

6 BY MS. LEVY:

7 Q. How did you come to be retained
8 in this case?

9 A. Are you asking about like the
10 specific letter? What are you
11 specifically referring to?

12 Q. How did you come to be retained
13 in this case?

14 A. How did I find out about the
15 case?

16 Q. Yes.

17 A. I think it was -- most of my work
18 is referral-based work. I have worked
19 with some of the attorneys on this matter
20 before -- or with an attorney on this
21 matter before.

22 Q. Which attorney?

23 A. Tiffany Ellis.

24 Q. What matter did you and Ms. Ellis
25 have together previously, or matters?

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2 A. She and I actually were working
3 together on a matter in front of this
4 exact court in the opioids litigation,
5 CT4.

6 Q. And who retained you to do work
7 in this case?

8 A. The co-leads of the litigation
9 signed the retention letter.

10 Q. And that was in June of 2024?

11 A. The retention letter was before
12 that but it's very likely that work didn't
13 start for some time. The retention I
14 think was in April of 2024.

15 Q. When I look at MK Analytics'
16 website, I notice that when you go to
17 MK Analytics' website, can we pull that
18 up? It's a tab --

19 MS. LEVY: Hang on one minute.
20 Just give me a second. When you go to
21 MK Analytic's website, can we pull up
22 tab 4, please, Bill?

23 (Exhibit 7, MK Analytics website
24 page, marked for identification.)

25 ///

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2 BY MS. LEVY:

3 Q. Under focus areas, there are
4 seven different segments listed as focus
5 areas. Are you familiar with the website?

6 A. It's been awhile.

7 Q. I will represent to you that the
8 last of the seven issues that come up when
9 we go to MK Analytics website is this
10 page. This is the 7th of seven and it
11 says Damages For Sexual Assault Victims.

12 Do you see that?

13 A. Yes, I see that.

14 Q. Is that one of the areas of focus
15 that has been added to your website?

16 A. That is an area of focus on our
17 website but refers to different experts'
18 area of expertise.

19 Q. And is this -- this is like
20 valuing cases for a different purpose.
21 This is not the type of work that you have
22 done in preparation for your report in
23 this case; is that correct?

24 A. That's a completely different
25 expert -- I'm not particularly versed in

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2 her methodology but that is not my area of
3 expertise. If I under -- if I understand
4 it correctly it involves more
5 person-to-person and interview-based work
6 but I'm not really sure. I always butcher
7 it every time I try to explain what she
8 does.

9 Q. What expert does this?

10 A. That would be Cathryn Jones.

11 Q. And this is not MK Analytics work
12 that you participate in personally;
13 correct?

14 A. No, I don't oversee that work
15 and, in fact, draw a very clear line that
16 that's not my work to oversee or be
17 involved with.

18 Q. And do you know what it means to
19 leverage available data and demonstrate
20 the severity of each case by comparing it
21 to previously awarded damages among cases
22 with similar characteristics, do you know
23 what that work is?

24 A. That's not my area of expertise.
25 That's Cat's area so I don't know what she

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2 means by that.

3 Q. You do know that there are
4 differing levels of severity of conduct
5 that come under the umbrella of sexual
6 misconduct; can we agree on that?

7 MS. WILKINS: Object to form.

8 THE WITNESS: I don't know what
9 you're defining as severity. I know
10 how Uber defines it and that's what I
11 have studied for this matter.

12 BY MS. LEVY:

13 Q. What I really want to know is how
14 MK Analytics defines it. When MK
15 Analytics says different levels of
16 severity or refers to severity, I'd like
17 to know what your business means by that.

18 A. You're asking about another area
19 of expertise and I'm not this expert, so I
20 would be theorizing. This is not my area.

21 MS. LEVY: So you can bring that
22 down, Bill.

23 Q. You have looked at the taxonomy
24 that Uber developed in conjunction with
25 outside experts in advance of its original

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2 U.S. safety report, that is something THAT
3 you looked at and studied; correct?

4 A. I'm aware of THE I think the 26
5 categories, 27 if we look at the Flack
6 interrogatory response that has data that
7 Uber uses to categorize its incidences.

8 Q. And you believe there's 26 or 27
9 categories?

10 A. I say 26 or 27 because there's
11 one category that has all 0s in the Flack
12 interrogatory response but the Bliss and
13 Jira interrogatory response have non-0s.
14 So depending on which interrogatory
15 response you review, you'll see either 26
16 or 27 with data in them.

17 Q. And those categories include
18 things like flirting, comments on
19 appearance, staring and they also include
20 things like rape; correct?

21 A. That's correct.

22 Q. And those different categories
23 have different levels of severity;
24 correct?

25 MS. WILKINS: Object to form.

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2 THE WITNESS: Uber in its safety
3 report puts those categories in order
4 of a severity with the exception of
5 insufficient information and parent
6 category use tracking.

7 BY MS. LEVY:

8 Q. And you're not offering any
9 opinion that Uber did that wrong, you have
10 no opinion on that; correct?

11 A. I am showing the data how Uber
12 filed it into that filing system. I'm not
13 offering an opinion on how many
14 different -- taking a step back, I'm
15 offering an opinion on what volume of
16 incidents Uber filed into that taxonomy or
17 into that filing system, if you will,
18 that's the extent of my opinion on those.

19 Q. You are not offering a better
20 taxonomy or better taxonomy that you
21 developed, that's not part of your
22 opinions; correct?

23 A. That's not an opinion that I
24 offer. I offer an opinion just on the
25 volumes within that taxonomy and what was

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2 reported to Uber and how it categorized
3 incidents into those taxonomies versus the
4 categories that it told the public about.

5 Q. And have you -- as part of your
6 work in this case have you looked at any
7 other taxonomies other than Uber's?

8 A. What kind of taxonomies are we
9 talking about? I work with a lot of law
10 enforcement data.

11 Q. Sexual assault or sexual
12 misconduct taxonomies.

13 A. Just generally, like the uniform
14 crime reporting like has a rape category.
15 I don't know what you are talking about
16 here.

17 Q. As part of your work in this
18 case, did you compare Uber's taxonomy to
19 any other taxonomy?

20 A. I'm offering opinions on the
21 volume of reports within Uber's taxonomy,
22 not comparing and contrasting how to
23 re-categorize them or anything to that
24 matter. I'm solely looking at what was
25 put into those categories and then what

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2 categories Uber told the public about.

3 Q. Do you know as you sit here today
4 as an expert whether there exists any
5 superior taxonomy for sexual assault and
6 sexual misconduct than the one that Uber
7 has utilized?

8 MS. WILKINS: Object to form.

9 THE WITNESS: I'm not offering an
10 opinion on that so...

11 BY MS. LEVY:

12 Q. You're not offering any marketing
13 opinions in this case; correct?

14 MS. WILKINS: Object to form.

15 THE WITNESS: I don't know what
16 you mean by marketing.

17 BY MS. LEVY:

18 Q. You're not an expert in
19 marketing, are you?

20 MS. WILKINS: Object to form.

21 THE WITNESS: To the extent that
22 marketing is reflected in the number
23 of Uber trips that people take, I
24 offer opinions on that but outside of
25 that context, I don't offer opinions

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2 on marketing.

3 BY MS. LEVY:

4 Q. Do you consider yourself an
5 expert in marketing? Simple question.

6 A. I offer opinions on the data that
7 Uber had in its reports. That's my area
8 of expertise and more broadly I define
9 that as data mining and analytics or just
10 data analytics.

11 MS. LEVY: What I want is a yes
12 or no to this question and if we can't
13 one, Beth, we're going to have to
14 unfortunately take a break and get
15 Cisneros on the line. If I can't get
16 an answer on whether she is an expert
17 or isn't an expert in a particular
18 area, we're going to need to get some
19 help from the court. I want to know
20 if you're able to say --

21 MS. WILKINS: (Inaudible) the
22 answers the best she can give it. I
23 don't know how you define marketing so
24 she's trying to guess at what you mean
25 by marketing and she's giving you the

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2 best answer that she can.

3 BY MS. LEVY:

4 Q. Do you consider yourself to be an
5 expert in marketing, that's all I want to
6 know?

7 A. I'm an expert in data mining and
8 analytics and to the extent that there's
9 data reflecting marketing, I hold myself
10 out as an expert in that context.

11 Q. Is there data reflecting
12 marketing that you've reviewed?

13 A. I mean Uber advertises. One
14 would assume -- I analyze the trip volume,
15 for example, and Uber does marketing. So
16 if marketing influences, and I'm not
17 saying that it does or doesn't, but in the
18 event that that influences trip volume,
19 then I offer opinions on trip volumes
20 because I calculate data in that data --
21 those data points.

22 Q. Have you reviewed Uber's
23 advertising?

24 MS. WILKINS: Object to form.

25 THE WITNESS: I've reviewed a lot

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2 of internal documents, especially in
3 part of my S-RAD review.

4 BY MS. LEVY:

5 Q. Are you going to offer any
6 opinions that there's anything wrong with
7 Uber's advertising?

8 MS. WILKINS: Object to form.

9 THE WITNESS: I think it's very
10 clear at this point that my report
11 talks about the data that Uber has,
12 what it did with it and what it told
13 the public. That's the extent of my
14 opinions at this time.

15 BY MS. LEVY:

16 Q. Okay. You do not intend to offer
17 any opinions about safer alternatives to
18 Uber; correct?

19 A. We've talked about that before.
20 That's not part of my analysis in this
21 report.

22 Q. You do not intend to offer any
23 opinions about additional technology that
24 Uber could have or should have utilized,
25 that's not opinions or work that you've

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2 prepared for this case; correct?

3 MS. WILKINS: Object to form.

4 THE WITNESS: I don't know what
5 you mean by additional technology they
6 could have used. What are you talking
7 about?

8 BY MS. LEVY:

9 Q. That was a bad question. Let me
10 ask a better question. You offer no
11 opinions on dash cams, for example?

12 A. To the effect -- I would say this
13 is similar to the marketing answer. To
14 the extent that those dash cams may impact
15 the safety report numbers that I analyze,
16 I offer opinions in that context.

17 Q. What have you studied about how
18 dash cams impact the numbers in the safety
19 report? Tell me what you know about that.

20 A. I'm saying if it is reflected in
21 that data, that's what I'm analyzing.

22 Q. Is it reflected in that data?

23 A. That's not -- I haven't looked at
24 the causal part of that but if it is
25 reflected in the data, then that's what

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2 I'm analyzing. Uber has a number of
3 safety policies that is enacted. Whether
4 or not those are reflected in the volumes
5 of the safety data reports, that's the
6 contours of my analysis.

7 Q. You don't intend to offer any
8 opinions about Uber's safety policies and
9 their content or what Uber should have
10 done, you are limiting your opinions to
11 the data, if I understand you correctly.

12 A. I think talking about what Uber
13 knew, what it did with that data and what
14 it told the public is core to my opinions.
15 What they should have done I would say is
16 very similar to other cases that we've
17 been in depositions before is not
18 something that I'm offering an opinion on
19 at this time.

20 Q. You also are not offering an
21 opinion on any kind of standard of care or
22 legal duties; correct?

23 MS. WILKINS: Object to form,
24 calls for legal opinions.

25 THE WITNESS: I don't know what

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2 you mean by standard of care. Are we
3 talking about medicine, are we talking
4 about --

5 BY MS. LEVY:

6 Q. Standard of care that may or may
7 not apply to Uber, you're not offering my
8 opinions on that topic; correct?

9 MS. WILKINS: Same objections.

10 THE WITNESS: It's the same
11 answer as the others. I'm offering
12 opinions on what Uber -- what data
13 Uber had, what it did with that data
14 and what it told the public with that
15 data. There's a number of contours in
16 my report that discuss that. That's
17 my opinions.

18 BY MS. LEVY:

19 Q. In your work prior to today, you
20 have never developed a tool to study
21 sexual assault and sexual misconduct, have
22 you?

23 MS. WILKINS: Object to form.

24 THE WITNESS: In many of my
25 cases, in the work that I do, the

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2 thing that is core is the data that
3 I'm analyzing. That's the consistent
4 piece. I often, whether it's Airbnb
5 to gun trafficking to opioids, the
6 subject matter is part of the data but
7 the data itself is my expertise. How
8 to -- my methodology to analyze it and
9 that's -- and the tools that I use to
10 analyze it, that's the expertise that
11 I bring.

12 BY MS. LEVY:

13 Q. The invoices that were produced
14 to us, I don't know if it was last night
15 or this morning, go through I think
16 October of this year. The last one -- the
17 first one that we have starts in July of
18 2024 and the last invoice that we have is
19 dated October 13, 2025. Is that the
20 complete set of invoices, if there are
21 monthly invoices in between there?

22 A. That as far as I'm aware are the
23 complete set. We bill monthly so the
24 October invoice would reflect time up
25 until the end of September.

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2 Q. And there are other individuals
3 besides you that worked on this matter at
4 your directions at MK Analytics; correct?

5 A. They worked exclusively under my
6 direction.

7 Q. And how many other individuals do
8 that?

9 A. We have a large staff that some
10 staff that will come in and out depending
11 on the case.

12 Q. So what is -- how many
13 individuals have worked on the Uber matter
14 with you?

15 A. There's probably two to four
16 people that worked on the litigation --
17 that worked on the litigation under my
18 direction for a number of months. I also
19 asked one or two individuals to review
20 some of the -- some of my code just as a
21 check but that was very limited.

22 Q. Is all the work done by those
23 individuals reflected in the invoices?
24 That's what I'm getting at.

25 A. Yes.

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2 Q. Okay. Our totals show that
3 MK Analytics has -- these invoices when
4 you add them up reflect roughly 2600 hours
5 and 1.1 million dollars. Does that sound
6 about right to you?

7 A. That sounds right. We spent a
8 long time going through the numerous
9 productions from Uber on the safety data
10 and the various interrogatory responses.
11 And so going through those productions and
12 noting the inconsistencies that have
13 happened, the incompleteness of some, they
14 are missing fields, that has taken a
15 considerable amount of time.

16 Q. Is the work reflected in these
17 invoices that is being done at your
18 direction, is that the only work that
19 MK Analytics has been hired to do in
20 connection with the Uber litigation? Do
21 you understand the question?

22 A. I do and I'm not sure if I can
23 answer it because I'm not sure if it's --
24 if consulting witnesses count or --

25 Q. I don't want you -- I don't want

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2 you to tell me any information beyond a
3 yes or no, but has MK Analytics been hired
4 to do consulting work in addition to the
5 work you are doing as a testifying expert
6 in the litigation? It's just a yes or no.

7 A. So the invoices you see reflect
8 my time as the consulting expert and
9 testifying expert on the case. They don't
10 reflect any other division's work that I
11 don't oversee.

12 Q. Okay.

13 MS. WILKINS: I don't think you
14 guys are understanding each other. I
15 don't want to coach but I think
16 there's a disconnect here.

17 MS. LEVY: I think you're
18 saying --

19 MS. WILKINS: I'm not trying to
20 coach Lacey, I really think that you
21 two are having a disconnect on what
22 you're talking about.

23 MS. LEVY: Yeah, I think
24 (inaudible).

25 MS. WILKINS: I think you're

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2 asking Lacey is there any work in this
3 litigation that's not reflected in
4 these invoice.

5 MS. LEVY: Yes, that's what I'm
6 trying to decipher.

7 THE WITNESS: My team's work is
8 reflected in the invoices you have.

9 BY MS. LEVY:

10 Q. Is there any other work done in
11 this litigation by MK Analytics outside of
12 you and your team?

13 A. That's the part I don't know if
14 there is consulting.

15 MS. WILKINS: This is
16 MK Analytics.

17 THE WITNESS: Yes. Do the
18 invoices all say data mining and
19 analytics? What are the headers on
20 them? My admin sent them so I haven't
21 seen them.

22 BY MS. LEVY:

23 Q. MK Analytics billed to Peiffer
24 Wolf Carr, project Uber Lacey Keller, it
25 has all different descriptions of people,

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2 so owner is one type of person, engineer
3 data scientist is another type of person,
4 and I can see that there are different
5 levels of employees being billed. But my
6 question is: Is there more work by other
7 people like MK Analytics that is not on
8 your team, it's a separate engagement
9 related to this litigation?

10 A. And this is the part I'm not sure
11 if I can talk about but I do know that
12 another person was retained for a brief
13 period of time but I don't think those --
14 I don't know -- if you put the invoices
15 up, I can tell you if they are my
16 divisions or hers, but you'll probably see
17 two invoices for the same month if it's
18 her division. Does that make sense
19 because we bill them separately.

20 Q. Has the person who does images
21 for sexual assault victims that we were
22 talking about earlier in Exhibit 5, is
23 that person maybe engaged to do a separate
24 analysis for this litigation?

25 A. I was not privy to that

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2 engagement because we draw a clear line so
3 I don't know.

4 Q. Okay. And is there -- I assume
5 if I have a set of invoices from July of
6 2024 up through mid October, that that
7 would be a complete set of invoices minus
8 the last couple of weeks which is not
9 reflected here; is that right?

10 A. Of my group's, yes, and my
11 directed time.

12 Q. Okay. Let's see. Have you ever
13 published any publication with your name
14 on it that relates to sexual assault or
15 misconduct?

16 A. I have made a number of
17 contributions to the field of data mining
18 and analytics or just data analytics
19 through publications and those are all
20 reflected in my qualifications document.

21 Q. I don't see anything listed in
22 your qualifications document that includes
23 in the titles anything that says sexual
24 assault or sexual misconduct. So there
25 was nothing that I saw that appeared to be

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2 addressing that specific issue. Is there
3 something that I'm missing?

4 A. You have a complete list of my
5 publications in my qualifications
6 document.

7 Q. Okay. And as you sit here today,
8 can you think of any publication that I
9 could pull that talks about sexual assault
10 and sexual misconduct?

11 A. I have a number of publications
12 to my name in the field of data analytics.
13 Some of the subject matters are varied
14 from cannabis research all the way to gun
15 research to generally using data in
16 litigation. That's the publications that
17 I've offered or that I've published.

18 Q. And are there -- I think the
19 answer is no, but are there any that you
20 published that address the specific issue
21 of sexual assault and sexual misconduct?

22 A. The list of publications is in my
23 Appendix C and they -- the core feature of
24 them is data and the subject matters are
25 there. So it's from data generally in

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2 litigation and how do use it to cannabis
3 to I think there was even one on drugs on
4 Instagram.

5 Q. Is the answer to whether there's
6 one that specifically addresses sexual
7 assault, is the answer to that no?

8 A. I would say the answer is I have
9 a number of publications on data analytics
10 which is my area of expertise and that's
11 what my publications reflect.

12 MS. LEVY: Can you mark that in
13 the transcript?

14 BY MS. LEVY:

15 Q. Let's go to -- back to your
16 report, tab 1 for Exhibit 1.

17 If you can in -- I know we're
18 very short on time and so I want to try to
19 be efficient here. Can you give me an
20 overall description of how you prepared
21 the data, like what work did your team do
22 in this, you know, 2600 hours with the
23 actual data? Can you just describe in lay
24 person's terms briefly what that looked
25 like?

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2 A. Yeah, so are you wanting me about
3 all the data that was produced? Because
4 of the numerous reproductions of data that
5 might be a fairly lengthy answer.

6 Q. Good point. Let me ask a better
7 question. Backing one step, when I look
8 at Appendix A to your report, we don't
9 need to pull it up but as I'm just going
10 to ask you a general question, we can pull
11 it up if we need to. But you make a
12 statement there that says, "In my opinion,
13 data mining and analytics often overlaps
14 with data science."

15 That I just want to know what you
16 meant by that sentence. Is data mining
17 and analytics a subset of data science or
18 are they different areas of expertise that
19 are overlapping, which is what I think the
20 sentence suggests?

21 A. I view them as areas of expertise
22 that overlap like two concentric circles.

23 Q. Are you a data scientist?

24 A. Sometimes, yes, I am a data
25 scientist and sometimes I'm a data

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2 analyst.

3 Q. And this might not be the way
4 that you say it in your business but and
5 sometimes you're a data miner?

6 A. Data mining is more for like,
7 especially when I was at the New York
8 Attorney General's office, when I am doing
9 investigative leads for something, helping
10 to prioritize the agency's resources.

11 Q. In this case, is it fair to
12 describe the work that you and your team
13 have done as data analytics?

14 A. Correct. Data analytics is the
15 work that I've done in this case and very
16 similar to what I've done in other cases
17 where I've been admitted as an expert in
18 data analytics.

19 Q. And is it -- would you also say
20 that you have done data science in this
21 case or is that a different thing in your
22 mind?

23 A. This is more descriptive
24 analytics or data analytics. I am not
25 building machine-learning algorithms in

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2 this case which would be I would say
3 similar to the work of a data scientist,
4 but data scientists will often do
5 analytics as part of their job. So you
6 see how they can be intertwined with one
7 another. But I have been offered and
8 admitted as an expert in data analytics
9 before and that's similar to the role that
10 I'm playing here.

11 Q. Thank you, I appreciate that
12 clarification. And whether you've done
13 data science in this case, maybe, it just
14 depends on how you describe that, is that
15 right, or would you say no to that?

16 A. It's -- the fields are related.
17 Like data science tools, so I would say
18 people in the world may think of an
19 analyst using Excel spreadsheets. I
20 employed some of that in my work here but
21 I also used the tools that one might
22 consider to be under a data scientist,
23 which is Python and some high-powered
24 coding so they are related.

25 Q. But you haven't done data mining

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2 in connection with your work for this
3 case?

4 A. Correct, I am not looking for
5 particular actors. I'm doing descriptive
6 analytics of the data Uber had in its
7 possession and produced in this
8 litigation.

9 Q. Moving to your report, do you
10 have it in front of you?

11 A. Yes.

12 Q. You describe on page 10 in
13 section IV of your report materials
14 considered and you also list in Appendix G
15 of your report documents and materials
16 considered; correct?

17 A. Yes, these are -- both are the
18 comprehensive list of materials considered
19 in my report.

20 Q. And Appendix G of your report is
21 160 pages, a single space list of
22 materials considered; right?

23 A. Mine must be formatted slightly
24 differently so I don't know the page
25 count.

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2 Q. Okay. My question about that is:
3 Did you review every single document on
4 this list?

5 A. I did -- I reviewed many
6 documents, probably just a number of
7 documents in this litigation from the
8 defendants -- I'm sorry, not the
9 defendants. From the plaintiffs' trips
10 and the data that was produced around
11 those drivers and those trips, some of the
12 sampling documents. I know those were
13 pretty voluminous as well as documents
14 related to S-RAD just to name few. I know
15 I did a lot of searches on the software
16 that was holding the production because I
17 did have complete access to it. But just
18 like any search, like some of the
19 documents that I reviewed, I reviewed
20 quickly. I opened them, it was not
21 relevant and I moved on, but all documents
22 that I considered and reviewed are in that
23 list.

24 Q. So if a document appears on
25 Appendix G, you've at least looked at it?

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2 A. Me or someone from my team, yes.

3 Q. Thank you.

4 Okay. And you reviewed all three
5 U.S. safety reports as well; is that
6 correct?

7 A. Yes, and I have copies of them
8 with me.

9 Q. Did you review those cover to
10 cover or did you just do keyword searches
11 in those?

12 A. I've reviewed them a few times.
13 When I first read them and a few times
14 I've read them pretty much cover to cover,
15 especially I would say I was reviewing
16 most closely the sections on sexual
17 assault or the information that Uber
18 produces on sexual assault and the
19 appendices that are relevant to that
20 analysis.

21 Q. I want to turn to page 17 of your
22 report, paragraph 19.6. Tell me when
23 you're with me.

24 A. Okay.

25 Q. 19.6 says, "There are additional

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2 analyses pertinent to my opinions that I
3 would like to perform using the SA/SM
4 incident data, however, the data as
5 produced appears incomplete and contains
6 inconsistencies."

7 And then the next sentence says
8 that in order to run those additional
9 analyses, you would have to use your
10 professional judgment to address gaps and
11 inconsistencies.

12 And you go on to say, "It is more
13 appropriate to conduct my analyses on data
14 that is as complete and accurate as
15 possible."

16 What does that -- do those
17 sentences mean?

18 A. So what I'm referring to there is
19 Uber's production of the Bliss and Jira
20 datasets. There were fields in that data
21 that were -- that had inconsistencies is
22 the right word, they differed from what
23 they purported to be. They had some
24 missingness or reflected something other
25 than what Uber had reported that dataset

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2 to contain. And what I wanted to -- what
3 I am reserving the right to here is
4 relating for the Flack data which based on
5 my review of the field list had fields
6 that would remedy some of those
7 assumptions that I would have to make
8 otherwise.

9 Q. Why is it more appropriate to
10 conduct an analysis on data that's as
11 complete and accurate as possible, why is
12 that?

13 A. It was clear to me at the point
14 of filing this report that Uber had in its
15 possession data that -- sorry. It was
16 clear to me at the point in filing this
17 report that based off the field list that
18 there may be something in the Flack data
19 that may assist me in my review of the
20 Bliss and Jira data or replace the Bliss
21 and Jira data. I'm not sure at this time
22 what methodology I might use or which
23 datasets I might use, but what I'm saying
24 here is there was additional data that it
25 appeared that Uber had in its possession

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2 that it had not provided that would fill
3 in those places where I may need to have
4 made assumptions.

5 Q. In doing any data analytics, it's
6 just common sense that you want the
7 dataset to be as complete and accurate as
8 possible, that's like a fundamental
9 premise of data analytics; correct?

10 A. When you're working with data you
11 have to understand what's included in the
12 data and what's not included in the data.

13 Q. And it's better to conduct an
14 analysis on data that's as complete and
15 accurate as possible; right?

16 A. When you're working with data you
17 have to understand its limitations. And
18 at the point of filing this report and
19 saying this statement, I'm talking about
20 knowing that there are other fields that
21 Uber had in its possession that may inform
22 my opinions with regard to the data that
23 it had already produced.

24 Q. I've heard and I think we talked
25 about this in a different litigation,

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2 sometimes in data science or data
3 analytics, you hear garbage in, garbage
4 out. The quality of the output, what I
5 assume in lay person's terms that means is
6 that the better quality of the data you
7 put into a dataset, the higher quality of
8 the output of the study of that data. Do
9 you agree with that?

10 MS. WILKINS: Object to form.

11 THE WITNESS: So are you talking
12 about a general principle here or are
13 you talking --

14 BY MS. LEVY:

15 Q. Just generally.

16 A. So generally you can say
17 different things about data. Some
18 datasets come with limitations. Some
19 datasets don't come with limitations.
20 Some datasets are -- it really is case
21 specific when you're talking about data.
22 So that is a phrase I've heard before but
23 I don't know how you're applying it
24 specifically in this litigation.

25 Q. Paragraph 26 of your report you

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2 say that "The procedures I used are based
3 on direct and verifiable calculations. As
4 such, a potential error rate or confidence
5 interval is not applicable."

6 Can you explain to me what you
7 mean by that?

8 A. I mean that I'm doing that and
9 like addition, subtraction averages, I'm
10 not making estimations, I'm not doing
11 sampling. That is the type of analysis.
12 I'm not -- that would require confidence
13 intervals. So when you're doing simple
14 addition or descriptive statistics, that's
15 not applicable here.

16 Q. Okay. I appreciate it. So you
17 tabulated numbers, you averaged numbers
18 that you got out of these different
19 datasets but you haven't done
20 extrapolations or other kind of modeling
21 on the data; is that fair?

22 A. Similar to the work that I've
23 done in other litigation where I've been
24 deemed an expert, I'm doing the same thing
25 here, is I'm summing, averaging, showing

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2 descriptive analytics, a longitudinal
3 study -- not longitudinal studies -- time
4 based analysis, that's a better way to say
5 that, of the data that was produced
6 specifically from the Flack interrogatory
7 response.

8 Q. And that takes me back to the
9 topic of underreporting that we talked
10 about earlier. This is an example of you
11 did not attempt to extrapolate an actual
12 number of potential assaults from the data
13 that exists, you merely looked at the data
14 that exists; true?

15 A. I showed the data that Uber had
16 in its possession, how it categorized it
17 and what it produced in this litigation.

18 Q. If you had attempted to calculate
19 a different number, extrapolated a
20 different number, then you would have
21 needed to do what you said in 26, which is
22 calculate an error rate or a confidence
23 interval; right?

24 MS. WILKINS: Object to form.

25 THE WITNESS: That's a

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2 theoretical different analysis that I
3 didn't do, so I don't know what I
4 would need to do to support an
5 analysis that I haven't done, so I
6 would just be guessing of what that
7 would even look like.

8 BY MS. LEVY:

9 Q. In reading or reviewing the
10 materials that are listed in the Appendix
11 G, did you run across the concept of
12 support abuse or fraud in reporting?

13 MS. WILKINS: Object to form.

14 THE WITNESS: Again, I've read a
15 lot of documents as evidenced there.
16 So you're asking me if I read any
17 documents that talk about false
18 reports or --

19 BY MS. LEVY:

20 Q. Yeah.

21 A. So based on the documents I've
22 reviewed, I've seen Uber's statements and
23 this is a statement that they made to the
24 public about that not being an issue
25 because they view -- they treat or they --

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2 I think what's the phrase that they use,
3 we believe victims. And so to the extent
4 that I've read that, I'm not sure if
5 that's what you're trying to get at here.

6 Q. That's part of it. If you were
7 to calculate -- let me back up.

8 In the Flack data that you
9 reviewed that you talk about in your
10 opinions, those are reports that came in
11 from complainants; correct?

12 A. So we're talking about the Flack
13 interrogatory response?

14 Q. The data that was provided in
15 response to that, yeah.

16 A. So that, yeah, the data in that
17 response is totaled by month and by
18 category that Uber had put that report
19 into, whatever category it had decided it
20 was appropriate to put into.

21 Q. And you didn't look at any
22 qualitative analysis of the underlying
23 reports, you didn't look at the individual
24 reports themselves, you just looked at the
25 data compilation; true?

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2 MS. WILKINS: Object to form.

3 THE WITNESS: In filing the
4 charts and figures in this report I
5 had to tabulate the volumes that were
6 in that interrogatory response.
7 However, in my driver response --
8 driver profiles which discuss the
9 bellwether plaintiffs trips, as well
10 as some work that I had done
11 preliminarily to review the safety
12 data for its -- in its various
13 productions before, I also did review
14 specific Jira tickets and Bliss
15 messages.

16 BY MS. LEVY:

17 Q. In order if you were going to --
18 I understand you did not calculate the
19 extent to which sexual assault might have
20 been underreported on Uber, you're taking
21 Uber's statement on that and I understand
22 that. But if you were to calculate it,
23 you would have to consider underreporting
24 and overreporting or false reporting, you
25 would have to consider both things, would

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2 you not?

3 MS. WILKINS: Object to form.

4 THE WITNESS: I'm not offering an
5 opinion on that so I haven't come
6 prepared to discuss that so I don't
7 want to theorize on an opinion that
8 I'm not offering.

9 BY MS. LEVY:

10 Q. But you do understand from that
11 Flack data you looked at are allegations,
12 they are not necessarily litigated or
13 fully investigated or the outcome of
14 investigations, that much you know from
15 the review of the data and the information
16 provided by Uber; true?

17 MS. WILKINS: Object to form.

18 THE WITNESS: I'm taking Uber at
19 its word a few times here. One is
20 that they believe victims and they
21 count every report and that's what
22 they say in the safety report, and
23 two, I'm taking Uber at its
24 representation when I'm calculating
25 using the Flack rog response that

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2 these are complete tabulations of the
3 data that it has received.

4 BY MS. LEVY:

5 Q. Let's flip to opinion 1 on page
6 19. This is -- I'm now looking at the
7 summary of opinion 1 starting with
8 paragraph 28 -- sorry, 27. 27 A you
9 note --

10 A. Sorry, I thought you meant the
11 summary like on page 8.

12 Q. No, I'm sorry, I meant the
13 heading and the subheading. Tell me when
14 you're with me.

15 A. I am there now.

16 Q. From the Flack data, your
17 subheading A says "From 2017 through 2024,
18 Uber tracked 546,196 incidents of sexual
19 assault and sexual misconduct."

20 You arrived at that number from
21 tabulating individual numbers of incidents
22 from the Flack data; correct?

23 A. This is from the Flack
24 interrogatory responses, not the Flack
25 data that was produced last week. That

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2 would have not been possible since it was
3 produced last week. So this is a summary
4 of the Flack interrogatory response that
5 Uber provided prior to filing my report.

6 Q. And that data according to
7 paragraph 27 covers a time period from
8 2017 through 2024; correct?

9 A. Uber produced that data broken
10 down by month and by taxonomy like the
11 subcategories what we can refer to that as
12 by month for those years, 2017, so January
13 2017 through December 2024.

14 Q. And when you use that time
15 period, you're referring to a mix of
16 audited and unaudited data; right?

17 A. Do you have the interrogatory
18 response so I can review how Uber refers
19 to the audit process?

20 Q. I do have that and we can pull it
21 up in a minute but the question is: Do
22 you know as you're sitting here for what
23 period of time that is reflected in
24 paragraph 27, 2017 through 2024, has the
25 data been audited by Uber's auditors, do

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2 you know that?

3 A. The data came with a number of
4 caveats so I would like to refresh my
5 recollection on that response because I
6 remember one dataset had one set of
7 caveats and when they produced the Bliss
8 and Jira data I think related to a certain
9 set of facts and the Flack data related to
10 others. What the auditing doesn't change
11 the volume of reports that Uber produced
12 in those records. This is merely -- this
13 is just showing what's in those records,
14 totaled up across all months across all
15 taxonomies.

16 Q. (Inaudible)?

17 THE WITNESS: I think you muted
18 yourself somehow.

19 BY MS. LEVY:

20 Q. Data through 2022 has been
21 subject to an Uber U.S. safety report.
22 Are you aware of that?

23 A. Yes, I'm aware that Uber has
24 released reports from 2017 to 2018, '19
25 and '20, '21 and '22.

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2 Q. But Uber has not released a
3 report for the later data, '23 and '24, at
4 this time; correct?

5 A. I have not seen a report from
6 Uber yet, and so that is actually the
7 analysis -- part of the analysis that I
8 show in my report is to show what numbers
9 exist since the filing of the last safety
10 report, what has been shown in '23 and
11 '24.

12 Q. Do you know as you sit here today
13 whether the last two years have been
14 audited in the same way that the 2017
15 through 2022 data was?

16 A. So again, I know that the Flack
17 data comes with some I would say however
18 caveats that Uber wanted to put on that
19 data, but what doesn't change is the
20 volume of reports that Uber categorized
21 into those categories. The audit process
22 is Uber holds out as a reason for why it
23 only produces and publishes, I should say,
24 data on a subset of categories, but in
25 reading the appendices of the reports, it

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2 appears that there are a larger volume of
3 categories that are audited than what are
4 disclosed in the safety reports.

5 Q. The Flack data that is reflected
6 in your opinion 1 is all of the
7 categories, it's not a limited set but
8 it's every single category of every single
9 incident that Uber classifies under sexual
10 assault and sexual misconduct; is that
11 right? Do you agree?

12 A. It reflects all of those that are
13 under sexual assault and sexual
14 misconduct. There are other categories
15 that I know that Uber has taxonomies on
16 but these are the ones that I understand
17 to be complete for those two categories,
18 sexual assault and sexual misconduct.

19 Q. And that includes varying levels
20 of severity. Do you agree?

21 MS. WILKINS: Object to form.

22 THE WITNESS: So in the safety
23 reports, Uber lists in order of
24 severity what it thinks are most
25 severe to least severe, with respect

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2 to two categories, insufficient
3 information and paired category use
4 tracking.

5 BY MS. LEVY:

6 Q. Do you disagree that some of
7 these categories are more severe than
8 other categories?

9 MS. WILKINS: Object to form,
10 asked and answered.

11 THE WITNESS: I don't offer any
12 opinions on -- I don't offer an
13 opinion on the severity order. I
14 offer opinions on the data that Uber
15 classified into those categories and
16 what each category shows if shown
17 together, broken out, et cetera as
18 I've demonstrated in my report.

19 BY MS. LEVY:

20 Q. Did you read any of the
21 underlying incidents that make up these
22 546,000 incidents?

23 MS. WILKINS: Asked and answered.

24 THE WITNESS: Again, I think I've
25 said that in reviewing the documents

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2 in this litigation specifically, the
3 plaintiffs' trips as well as some of
4 the sampling attachments and other
5 documents, I have read Jira tickets as
6 well as the documents themselves --
7 I'm sorry, the Jira tickets, then the
8 Bliss tickets and documents of those
9 Bliss and Jira tickets.

10 BY MS. LEVY:

11 Q. But you didn't do any systematic
12 review to categorize them yourself; right?

13 MS. WILKINS: Object to form.

14 THE WITNESS: I think we've
15 talked about this before. I'm using
16 the categories that Uber has applied
17 to this data and specifically in the
18 Flack data, Uber's tabulations and
19 de-duplications of those categories,
20 those incidents under each of those
21 subcategories.

22 BY MS. LEVY:

23 Q. And you're not offering any
24 opinion that Uber did that incorrectly or
25 got it wrong; correct?

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2 A. What do you mean by got it wrong,
3 like that they misclassified them or that
4 they did the math wrong?

5 Q. Either.

6 A. I'm showing what Uber put into
7 those documents or into that interrogatory
8 response, the numbers within those, so I'm
9 taking Uber at its word that they had done
10 that correctly when showing my analysis.

11 Q. And you understand that some of
12 the incidents that are covered here, in
13 fact, many of the incidents covered here
14 include things like staring, looking at
15 me, giving me a dirty look or making
16 comments or gestures, you're aware of
17 that; right?

18 MS. WILKINS: Object to form.

19 THE WITNESS: I'm aware of those
20 incidents being potential precursors
21 which is a word that Uber uses to
22 sexual assault. And so I have looked
23 at those, all of the incidents because
24 some of those Uber has in its own
25 documents determined to be precursors

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2 of additional misconduct later on.

3 BY MS. LEVY:

4 Q. When you talk about precursor,
5 you are relying on a single document that
6 has -- that contains that word that you
7 cite in footnote 85 of this report,
8 correct, paragraph 51? Heading B?

9 A. Yes, so the word precursor is
10 from that e-mail but then a number of the
11 inputs that are in that section come
12 directly from Uber internal documents and
13 there's a number of documents that discuss
14 proximity to bars, whether intoxication,
15 the time of day as all potential
16 indicators of sexual assault. And those,
17 many of those, if not all, are a part of
18 the S-RAD model that it does use to,
19 quote, prevent sexual assaults.

20 MS. LEVY: Let's pull up tab 45,
21 please.

22 BY MS. LEVY:

23 Q. And if we go to paragraph 51,
24 you're talking about precursor. I just
25 want to make sure we're clear about what

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2 we're talking about here. Let's go to 51
3 on page 36 of your report but we can --
4 let me pull that up first. If you can
5 zoom in a little bit, in the heading you
6 say, Uber identified male drivers and
7 female riders as well as a proximity to
8 the pick-up of a bar as, quote, precursors
9 to sexual assault, and there you cite
10 footnote 85. Are you with me?

11 A. Yes.

12 Q. And for that you cite
13 JCCP_MDL_000356814.

14 A. Okay.

15 MR. LEVY: And let's pull that
16 document up. It's tab 45.

17 (Exhibit 8, document Bates
18 labeled UBER_JCCP_MDL_000356814,
19 marked for identification.)

20 BY MS. LEVY:

21 Q. And this is the document that is
22 your source for Uber referring to male
23 drivers, female riders and proximity of
24 bars as precursor. This is where the word
25 precursor comes from, is that correct,

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2 this is what you cite?

3 A. These inputs -- hang on one
4 second. Sorry.

5 MS. LEVY: Can you go to the next
6 page, Bill?

7 Q. My first question is: Is this
8 the document you're referring to when you
9 refer to precursor?

10 A. This is the document where that
11 phrase is utilized by Uber and so that's
12 why it's cited specifically on that word,
13 but these inputs are a number -- these
14 inputs are used in the S-RAD model as well
15 which is the machine-learning algorithm
16 that Uber uses to, quote, prevent sexual
17 assaults.

18 Q. What does precursor mean to you?

19 A. Again, if I'm using their term to
20 describe this set of inputs, but these are
21 indicators that Uber have found to be
22 indicative of potential sexual assault as
23 evidenced by even using it in the S-RAD
24 model and well, in other documents in its
25 production.

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2 Q. And just to make sure that we're
3 on the same page, it certainly doesn't
4 mean that if a male driver has a female
5 rider in the car, that there's going to be
6 a sexual assault, that's not what it means
7 that it's a precursor?

8 A. This document shows that they
9 have found patterns, they call it patterns
10 and precursors, among the data Uber has
11 been collecting and this is how Uber -- I
12 can't even remember, one of the engineers
13 or data scientists or analysts, whatever
14 their job title is, what they have found
15 to be in their own sexual assault data,
16 what patterns and precursors is the words
17 that they use.

18 Q. In the documents that you
19 reviewed, you've seen a lot of documents
20 where Uber data teams are studying the
21 issue of sexual assault; true? You've
22 looked at many, many, many documents. In
23 fact, there -- would you guess hundreds or
24 thousands of documents that you've seen
25 that relate to Uber's study of this issue?

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2 MS. WILKINS: Object to form.

3 THE WITNESS: I've seen a lot of
4 documents where Uber has discussed
5 this internally but I haven't seen
6 them disclose the types of knowledge
7 that they know or the types of
8 information that they have gleaned
9 from this publicly. They have chosen
10 to produce that information in just
11 one metric or two metrics if you look
12 at total and per trip volume.

13 BY MS. LEVY:

14 Q. Do you -- do you understand from
15 your review of all of the documents that
16 you list in Exhibit G what in terms of
17 magnitude, period of time has Uber been
18 studying the issue of sexual assault, for
19 what period of time, how many years?

20 MS. WILKINS: Object to form.

21 THE WITNESS: I have seen
22 documents -- I've seen a lot of
23 documents. I think that earliest ones
24 that I've seen are in reference to
25 these patterns specifically are around

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2 late 2016, 2017, somewhere around
3 there. I would have to look at
4 specific -- all the specific documents
5 to be sure but about those years.

6 BY MS. LEVY:

7 Q. And you understand from your
8 review of the documents in this case that
9 Uber has devoted many, many scientists and
10 researchers to the effort to study
11 patterns related to sexual assault and
12 sexual misconduct --

13 MS. WILKINS: Object to form.

14 BY MS. LEVY:

15 Q. -- that you learned in your
16 review of this case, yes?

17 A. Many of the documents that I have
18 reviewed tend to focus on the -- tend to
19 be authored or have the same set of
20 individuals. I don't recall their job
21 titles but what my point in drawing the
22 connections with those data points are is
23 Uber has this knowledge internally and
24 they even use it to put and build S-RAD
25 inputs and then they don't tell the public

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2 about any of these particular indicators.
3 The safety report reflects only one subset
4 of that knowledge.

5 Q. My question to you is not about
6 safety reports -- about the public
7 disclosure. We're going to talk about
8 that separately. My question to you is:
9 Do you know how much time, how much
10 resources Uber has devoted to studying the
11 issue of sexual assault and sexual
12 misconduct?

13 MS. WILKINS: Object to form.

14 BY MS. LEVY:

15 Q. Is that something you know?

16 A. The documents that I reviewed
17 talked about the results of those studies
18 and what Uber knew about its own data and
19 that's my opinion about -- and I bring
20 those opinions because I'm contrasting
21 that to what it's telling the public. I
22 don't recall reading documents that
23 totaled machine-learning hours spent or
24 data scientists, you know, time sheets.

25 Q. You don't know how much effort

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2 Uber does put into developing the S-RAD
3 technology, that's not something you were
4 asked to look into; correct?

5 A. I know Uber has been developing
6 S-RAD for a number of years and only
7 recently released it.

8 Q. And you also haven't studied the
9 effectiveness of S-RAD, that's not
10 something that you are asked to do as part
11 of your analysis in this case; correct?

12 MS. WILKINS: Object to form.

13 THE WITNESS: I offer several
14 opinions on S-RAD and including the
15 volumes of trips that it excludes
16 through holdup backs, which is the
17 groups that it uses and doesn't do any
18 interventions or doesn't do any
19 sorting. And I also offer opinions on
20 data -- well, offer opinions on what
21 Uber has tabulated to be [REDACTED]
22 which are when the program has not --
23 has dispatched a trip that had a
24 sexual assault -- I'm sorry, I
25 misspoke -- [REDACTED]

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[REDACTED]

[REDACTED], so

I offer those opinions on the program.

BY MS. LEVY:

Q. So you have not studied how effective the tool is, what incidents S-RAD may be preventing or not preventing, that's outside the scope of the work you've done for this case; correct?

MS. WILKINS: Object to form.

THE WITNESS: I think you might be misunderstanding me. I'm offering opinions that Uber excludes [REDACTED] of trips from its algorithm because it holds them in a hold back group. I'm offering opinions that Uber excludes on the whole or on average, whatever term we want to use, of [REDACTED] of trips because they are not above the self-inflicted threshold. And I'm offering opinions that [REDACTED] [REDACTED]. They are above the threshold that Uber set in S-RAD within its, quote, guardrail metrics,

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2 so I do offer those opinions.

3 BY MS. LEVY:

4 Q. And your opinions are limited
5 just to the numbers that fall in those
6 categories, that's what's in your report,
7 as opposed to what Uber should do that or
8 what a better way to do it would be, that
9 is not part of your opinions; am I correct
10 about that?

11 A. A better way to build the model?
12 I'm sorry, I just don't quite understand.

13 Q. Yes. You are not offering any
14 better way to build the S-RAD model;
15 correct?

16 MS. WILKINS: Object to form.

17 THE WITNESS: I'm offering
18 opinions describing the S-RAD model
19 much like I would teach my students
20 that I teach college -- in college
21 classes. I'm describing the S-RAD
22 model to the court in a way that it is
23 understandable and that we can
24 understand how it functions. I am not
25 offering a critique of the model or in

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2 a way that it should be built in a
3 different machine-learning algorithm,
4 for example. I'm not offering that
5 opinion. I'm offering opinions on
6 what data points were included and you
7 can see those in one of my appendices,
8 but I -- and I'm offering opinions on
9 what wasn't included but I'm not
10 offering opinions on what Uber should
11 have done, I'm just offering opinions
12 on what could have been the case given
13 the data that was available to Uber.

14 BY MS. LEVY:

15 Q. Okay. So it is not part of your
16 opinion -- I need to know what you intend
17 to say at trial. You're not offering an
18 opinion that Uber should not have holdouts
19 or should set thresholds in a different
20 way. That's outside of what you're doing
21 in this case; correct?

22 A. I'm offering opinions on what
23 those holdouts are and what the thresholds
24 were and the implications on trips and
25 some exemplars of what that looks like so

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2 that the court can understand those
3 concepts.

4 Q. And you have not formulated
5 opinions and you are not intending to
6 present them at this trial at better
7 thresholds or a better way to operate the
8 model, that's not what you're offering
9 opinions on in this case; true?

10 A. I'm offering opinions that Uber
11 had knowledge that setting -- they use the
12 term trigger rates which correspond to a
13 threshold, what volume of sexual assaults
14 they would predict, kind of paraphrasing
15 from documents there, I do offer those
16 opinions in my report and that's based off
17 of the knowledge that Uber had.

18 Q. But again, I want to be very,
19 very clear on this, your analysis of what
20 the data says and what Uber saw, not what
21 it should have done or not the way Lacey
22 Keller believes it should be done
23 different. The second part is not part of
24 your opinions in this case? I think you
25 may have said that but I want to be very

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2 clear about that.

3 MS. WILKINS: Object to form.

4 THE WITNESS: I'm offering
5 opinions on the inputs that are in
6 S-RAD as well as datasets that they
7 have or data points that they have
8 that they haven't included in S-RAD as
9 a descriptive, but not offering an
10 opinion on what they should have
11 included in that model or -- I think
12 that's a way to say it is. I'm
13 describing what they have done, what
14 options were available to them, what
15 they knew about and that's my opinion.

16 BY MS. LEVY:

17 Q. Now, going back to the heading on
18 page 36 and paragraph 51, just to finish
19 up our discussion on precursor.

20 A. Yes.

21 Q. It is certainly not the case that
22 pairing a male driver with a female rider
23 predicts a sexual assault, that's not what
24 it means to be a precursor, do you agree?

25 A. I think especially in earlier

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2 versions of the model and I'd have -- I
3 need to look at the global features which
4 I don't have in front of me, gender, I
5 know it was in the earlier models but I
6 need the global features in front of me,
7 were indicators that Uber found to be
8 indicative of potential sexual assaults
9 when developing S-RAD.

10 Q. So let me just ask some simple
11 questions.

12 Is it your understanding that
13 gender is one of the metrics in S-RAD?

14 A. Do you have the global feature
15 list in front of you? I just can't -- I
16 remember some features that come in and
17 out.

18 Q. It's fine if you don't remember.
19 If you don't remember, you can just say
20 that. I just want to know if you -- if
21 it's your understanding and if you don't
22 know you can say that, that gender is a
23 metric in S-RAD?

24 A. I have my appendix here. I can
25 look it up. But at one point in time it

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2 absolutely was and I think it still is a
3 feature in the model. But again, I would
4 want to look at the global features list
5 that was just -- that is in my materials
6 considered list or the global features
7 list, either of them.

8 Q. There are dozens and dozens of
9 inputs into the S-RAD model; correct?

10 A. Yeah, I think it's somewhere
11 around 40-ish inputs.

12 Q. And if a supply plan or a match
13 had one of those features, that definitely
14 does not mean that a sexual assault or an
15 incident of sexual misconduct will take
16 place, that's not what it means; correct?

17 MS. WILKINS: Object to form.

18 THE WITNESS: The features
19 combined create an S-RAD score using
20 machine learning. And so that machine
21 learning is based on previous incident
22 data as well as S-RAD scores that have
23 been run in shadow mode so that -- or
24 not shadow -- some were done in shadow
25 mode and some were done historically

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2 looking at the data. All of those
3 combined create an S-RAD score for
4 each and every individual trip. So
5 it's one piece of all of the features
6 that Uber uses to categorize a trip.

7 BY MS. LEVY:

8 Q. And there's not anywhere in this
9 report or in your opinions that tell us
10 what is the S-RAD score that means there's
11 going to be a sexual assault, that's not
12 an analysis that you've done or that even
13 could be done; right?

14 A. Uber has -- so Uber sets the
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED] and with the purpose of
19 the program being to prevent sexual
20 assaults. And so that's what I understand
21 that score to mean, is it's a risk score
22 created by Uber based off of its own data.

23 Q. And what you've done for purposes
24 of this report is look at Uber's work in
25 this area, but you yourself have not come

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2 to an opinion about what a risk, a risky
3 ride is or isn't. Like what S-RAD score
4 is a risky ride, what S-RAD score is not a
5 risky ride, those aren't opinions you have
6 formed independently; correct?

7 MS. WILKINS: Object to form.

8 THE WITNESS: Uber has not
9 produced much of the data even for
10 some of the indicators that it has
11 identified itself as potential risk
12 factors or precursors or whatever term
13 we want to use. The supply plan data,
14 for example, which is all of the trips
15 that are available and scored by the
16 S-RAD program Uber deletes. And so
17 those data points would be relevant to
18 look at those risk factors independent
19 of one another in connection with the
20 S-RAD score, but that data has not
21 been produced.

22 BY MS. LEVY:

23 Q. And we'll talk a little bit more
24 about that, about S-RAD and its inputs in
25 a minute but we can agree, I hope, that

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2 what we see in Exhibit B, male drivers
3 paired with female riders. Despite the
4 fact that this heading calls that a
5 precursor to sexual assault, you certainly
6 would not tell the jury that male drivers
7 should not be paired with female riders.
8 In fact, you know that male drivers drive
9 female riders safely hundreds of millions,
10 in fact, billions of times on the Uber
11 platform with no incident at all, you're
12 aware of that; correct?

13 MS. WILKINS: Object to form and
14 foundation.

15 THE WITNESS: So I'm aware that
16 Uber's produced data that only tells
17 parts of this story. Uber's only
18 produced data that shows the total --
19 the sex of the driver or gender of the
20 driver I should say on a yearly basis.
21 I don't and they have not produced
22 which means I don't have data of the
23 gender for each and every safety
24 incident in the data. They have not
25 produced that data. And I think I say

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2 that very clearly in my report. So I
3 can't do that analysis because Uber
4 hasn't produced that data, so the next
5 best thing is for me to identify from
6 documents the types of analysis that
7 Uber has done because internally they
8 have that data.

9 BY MS. LEVY:

10 Q. And it's a great thing that Uber
11 is studying this issue and trying to
12 develop tools like S-RAD to enhance the
13 safety of the platform, that's a great
14 thing that it's doing that; right?

15 MS. WILKINS: Object to form.

16 THE WITNESS: Uber has chosen to
17 do a number of things behind closed
18 doors, including developing the S-RAD
19 program and studying these things, but
20 they have told the public nothing
21 about that and so that is why I'm
22 bringing those up in my report. The
23 value judgment can be your own. I
24 leave that to the court to decide.
25 I'm just here to tell the facts.

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2 BY MS. LEVY:

3 Q. You don't think it's wrong or
4 problematic that Uber is studying this
5 issue and attempting to use data as a tool
6 to reduce these incidents, that's exactly
7 the kind of thing that you've done in your
8 prior work as a data scientist; right?

9 A. I think Uber has been misleading
10 to the public in producing data in the way
11 that it has in the safety reports. It has
12 not shown the public the risk of sexual
13 assault at night. It hasn't shown the
14 risk of sexual assault for women versus
15 men, especially at night or even levels of
16 intoxication, even though it has that data
17 internally and has done that analysis.

18 Q. Do you intend to offer an opinion
19 to the court that Uber has misled the
20 public?

21 A. I am drawing a distinction
22 between what Uber has told the public
23 versus what they know internally and
24 that's -- you can see that in my report
25 clearly.

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2 Q. And have you looked at other
3 participants in the transportation
4 industry and how what they tell the public
5 about incidents on their platforms or in
6 their businesses?

7 MS. WILKINS: Asked and answered.

8 THE WITNESS: Again, that's not
9 part of my analysis that I've done
10 here. That was not necessary for my
11 analysis to show the distinction
12 between what Uber has done versus what
13 -- what Uber has told the public
14 versus what Uber knows internally and
15 what kinds of programs it's operating
16 internally. Just before we move on to
17 the next question, I think we've been
18 going like an hour and a half and I'm
19 getting pretty hungry. Can we take a
20 break?

21 MS. LEVY: Absolutely. How long
22 do you want to take?

23 THE WITNESS: I think lunch was
24 delivered a little while ago so maybe
25 we can do 20, 30 minutes?

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MS. LEVY: Sure, why don't we
come back at -- I'm in a different
time zone. So do you want to come
back at 3:30?

THE WITNESS: That works.

MS. LEVY: Okay.

THE VIDEOGRAPHER: Going off the
record. The time is 2:42 p.m.
Eastern. This is the end of media
unit 2.

(Lunch recess taken at 2:42 p.m.)

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2 A F T E R N O O N S E S S I O N

3 (Time noted: 3:20 p.m.)

4 L A C E Y K E L L E R, resumed and
5 testified as follows:

6 THE VIDEOGRAPHER: We're back on
7 the record. The time is 3:20 p.m.
8 Eastern. This is the beginning of
9 media unit 3.

10 CONTINUED EXAMINATION

11 BY MS. LEVY:

12 Q. Welcome back, Ms. Keller. Going
13 back, before we dive into opinion 1 in
14 your report, I want to go back for one
15 minute to the question that we were
16 talking about about your qualifications
17 and testifying history.

18 Your Appendix C which we've
19 marked as Exhibit 2 to the case, do you
20 have that handy?

21 A. Yes.

22 Q. That was 22 depositions that you
23 have given as of the time of this report.
24 I believe that all 22 of those depositions
25 were given in conjunction with the opioid

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2 litigation; is that correct?

3 A. That's not correct.

4 Q. Which ones were nonopioid?

5 A. So -- I don't know if it's easier
6 to do it by number, number 19, that's the
7 Red Hill trial.

8 Q. Did you work with the plaintiff
9 or defendant in that case?

10 A. Plaintiff.

11 Q. Are there any others that were
12 not opioid litigation in your depositions?

13 A. Yes.

14 Q. Which one?

15 A. 20, I was a rebuttal witness.

16 Q. And were you for the plaintiff or
17 defendant in that case?

18 A. Plaintiff.

19 Q. Any others?

20 A. Yes. 22.

21 Q. Did you work with the plaintiff
22 or defendant in that case?

23 A. I worked for plaintiff in that
24 case.

25 Q. Any others that are nonopioid?

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2 A. That's as far as depositions
3 concerned, the extent to those. You know,
4 I'm looking through this and I thought my
5 biography included -- I also was retained
6 by the -- by federal court and it was a
7 district court in the Lackawanna case.
8 It's like Burrell v. Lackawanna County and
9 I was -- my firm was appointed by the
10 court to work with defendants in the
11 defense counsel in that matter to help
12 arrive at a list of individuals at issue
13 in that litigation. So that I should
14 actually add. I thought it was on here
15 and I apologize for that not being --

16 Q. Have you given a deposition in a
17 that matter?

18 A. I filed a declaration and I
19 thought that that was here but I don't see
20 it so I filed a declaration prior to being
21 retained in that matter.

22 Q. Got it. So let me just see if I
23 can blaze through this in a summary
24 fashion. Of the 22 exhibits --
25 depositions listed in Exhibit 2, Appendix

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2 C, three of those were nonopioid, 19 of
3 them were in the opioid case; is that
4 correct?

5 A. That's correct, opioids
6 litigation, as you probably know, was
7 pretty all-consuming for several years.

8 Q. Yes, it was and all of those
9 depositions were provided on behalf of
10 plaintiffs in that litigation; correct?

11 A. Yes, I was working for plaintiffs
12 because it would have been a conflict
13 otherwise.

14 Q. And with your trial testimony,
15 six of the seven cases were opioid cases
16 and the seventh one was a nonopioid case,
17 the Feindt v. USA case; correct?

18 A. That's correct.

19 Q. And all seven of those were on
20 the plaintiff side?

21 A. That's correct.

22 Q. And then in the declarations,
23 there are five declarations listed here,
24 were all five of those on the plaintiff's
25 side?

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2 A. All five listed there and then
3 the addition for the declaration that I
4 was -- that I filed in the Lackawanna
5 case, I -- I'm actually not sure how you
6 would define who I filed that on behalf
7 of. I just filed it with the court and
8 then the court appointed me to be -- to
9 work with the defendants.

10 Q. And in 30 seconds or less, what
11 was the nature of your opinion in that
12 case?

13 A. I didn't -- I wasn't an expert
14 witness where I would have a final report.
15 I had -- I was -- my task was to combine
16 and aggregate datasets to assist them with
17 identifying effective members. I think
18 that's a pretty good summary of the work.

19 Q. Understood. Okay, turning back
20 to page 19 of your report, opinion number
21 1, tell me when you're with me.

22 A. I'm getting there. Okay.

23 Q. Opinion number 1 states that --
24 and I'm reading subheading A, "From 2017
25 through 2024, Uber tracked 546,196

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2 incidents of sexual assault and sexual
3 misconduct."

4 Are you with me?

5 A. Yes.

6 Q. And that number I believe you
7 told us you tabulated from the Flack data
8 you received in this case?

9 A. I'll be very clear that it's the
10 Flack interrogatory response since now
11 there's another production of Flack data
12 separate from that.

13 Q. In the second production of Flack
14 data you have not fully analyzed and do
15 not address in this report?

16 A. Because that data was produced
17 just last week or fairly recently, I have
18 not yet analyzed that data and reserve my
19 right.

20 Q. You've created table 1 on the
21 next page of your report and that is the
22 subcategories from the Flack incident data
23 classified between 2017 and 2024; is that
24 correct?

25 A. Yes, these are the categories

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2 that are in that dataset. You'll see that
3 there are 27 of them that were produced by
4 Uber. This aggregates to the year and
5 Uber's production had the same categories
6 but at the month and year level.

7 Q. And this data reflected in table
8 1 on page 20 of your report, it includes
9 all incidents reported against riders,
10 drivers and third parties; correct?

11 A. That's my understanding of the
12 dataset. Uber did not break it out in any
13 way that would allow me to separate it by
14 the reporting party or the entity it was
15 reported against. Uber reported all those
16 values together so that's how I'm showing
17 it here.

18 Q. And there are documents and
19 there's witness testimony that addresses
20 the percentage of the reports of sexual
21 assault and sexual misconduct that are
22 made by riders versus drivers. Are you
23 aware of that?

24 MS. WILKINS: Object to form.

25 THE WITNESS: I am -- I think I

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2 even have an image in my report that
3 shows the breakdown of rape incidents.
4 I know it's from 2016 to 2017 data
5 that shows the breakdown of riders
6 versus drivers. I know Uber also
7 produces information on its safety
8 reports about that breakdown but I
9 believe at an aggregated level, not at
10 the incident level.

11 BY MS. LEVY:

12 Q. You did not attempt to understand
13 in table 1 which of the incident reports
14 reflected here were reported by drivers
15 versus riders; right? That was not part
16 of your analysis?

17 MS. WILKINS: Misstates her prior
18 testimony.

19 THE WITNESS: Two parts to that.
20 One, the Flack data that was recently
21 produced that I have not had a chance
22 to consider has fields that I think
23 may be relevant to such an opinion,
24 but I have not had the time given that
25 it was most recently produced to

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2 review that data. Secondly, Uber did
3 not produce this data, the Flack
4 interrogatory response in a way that
5 would allow me to aggregate or
6 disaggregate those incidents. So with
7 that said, that's the analysis that I
8 was able to do with the data that was
9 produced.

10 BY MS. LEVY:

11 Q. And you acknowledge in your
12 report, page 27, that the table includes
13 all of these reports regardless of who
14 lodged it, whether it was the driver or
15 the rider, this is the total?

16 A. This is the total volume of
17 reports, driver or rider, third-party
18 that's included here.

19 Q. And it's fair to assume that if
20 we were to isolate only reports made by
21 riders of incidents perpetrated by
22 drivers, these numbers would look very
23 different?

24 A. I'm not going to theorize about
25 the data I haven't fully reviewed yet

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2 because there's, and as you can see in the
3 screenshot in my report, there are
4 differences at the category level -- I'm
5 sorry, at the subcategory level and I
6 would be theorizing and I wouldn't want to
7 estimate one way or another what those
8 numbers might be. What I can tell you
9 here is this is an accurate representation
10 Uber produced to me in that interrogatory
11 response.

12 Q. And you can agree that the total
13 number of incidents would go down if you
14 isolated just riders reporting; correct?

15 A. Again, that would be theorizing.
16 I have not considered what the Flack data
17 shows. The Flack data specifically, that
18 was produced recently, and so I don't want
19 to theorize which way the numbers -- what
20 the numbers might show because I have not
21 yet had a chance to review that data.

22 Q. In section B below, you take this
23 data and convert it to an average
24 frequency per minute; correct?

25 A. Yes, it's a time-based analysis

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2 normalizing the data for time.

3 Q. But what you don't do is include
4 the number of rides that happen every
5 minute. Is that something you calculated
6 also?

7 A. That -- I analyzed the number of
8 rides and the incident rate per ride in a
9 different part of my report.

10 Q. And so as you sit here today, can
11 you tell us the average number of rides
12 out of every 7.7 minutes for the same time
13 frame?

14 MS. WILKINS: Object to form.

15 THE WITNESS: That's an analysis
16 that if you want me to do math on the
17 record, I would be happy to do. I do
18 a trip-based analysis elsewhere in my
19 report but this analysis focuses on a
20 way to -- focuses on the reported
21 incidents using time as a
22 normalization -- as a normalization
23 method. This is similar to the type
24 of analysis that other nonprofits in
25 the industry do -- not the industry.

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2 That's an unfair statement. That I
3 have seen other nonprofits do with
4 this kind of information.

5 BY MS. LEVY:

6 Q. In order to know -- for like an
7 individual to know the risk that something
8 is going to happen to them, it would be
9 the denominator in addition to knowing the
10 absolute number of incidents, they would
11 need to know out of how many in order to
12 understand that; correct?

13 A. I don't know how you're defining
14 risk. Risk is defined in a number of
15 different ways in this litigation. If
16 you're speaking to something like what is
17 the rate that something happens, then you
18 need a numerator and a denominator but
19 when you're talking about risk I don't
20 know specifically what you're referring
21 to.

22 Q. Did you do any analysis to
23 compare this incident by number of minutes
24 to the outside world, did you compare this
25 number to the number of SA/SM incidents

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2 that occur elsewhere in the world?

3 A. I understand how this question is
4 different than what you've asked me
5 before. We've talked about I think at
6 pretty great lengths that my analysis
7 talks about or discusses and I offer
8 opinion what data Uber has, what it did
9 with that data, the knowledge that it had
10 and compares that to what it told the
11 public.

12 Q. What you haven't done is compared
13 how frequently misconduct of a sexual
14 nature that occurs on Uber, how that
15 compares to other means of transportation,
16 other alternatives to taking Uber or just
17 society in general, that was not part of
18 your analysis, if I understand you
19 correctly?

20 MS. WILKINS: Asked and answered.

21 THE WITNESS: You can keep asking
22 me different versions but I think it's
23 the same question here, my report
24 focuses on the Uber platform and what
25 it knew internally versus what it

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2 disclosed externally and what it did
3 with the data it had internally versus
4 what it disclosed to the public.

5 BY MS. LEVY:

6 Q. This data in table 1 goes years
7 beyond the data that was published in the
8 first report?

9 A. Are you talking about the 2017
10 and 2018 safety report?

11 Q. Yes.

12 A. This data includes data from 2017
13 to 2024 which matches the dates that Uber
14 produced in its interrogatory response.

15 Q. And I don't see anywhere in your
16 report where you have taken the first U.S.
17 safety report that covers the time period
18 2017-2018 and identified any numbers in
19 that report that are wrong or incorrect.
20 You haven't done that, have you?

21 A. I have in my report drawn a few
22 comparisons to the safety reports. Two
23 that stand out right now that may be
24 relevant to our discussion is a figure,
25 let me get to it -- Figure 7 that draws

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2 the distinction between the safety report
3 disclosed number and the total number of
4 incidents in the interrogatory response,
5 and there's a footnote somewhere where I
6 talk about -- maybe it's not even a
7 footnote, it's a paragraph, where I talk
8 about the safety report data being smaller
9 than what was in the interrogatory
10 responses for the exact same five
11 categories.

12 Q. Let's look at Figure 7 since you
13 pointed our attention. That's page 28 of
14 your report.

15 A. Okay.

16 Q. And here in Figure 7, 28, you've
17 charted number of incidents in Flack data,
18 in Flack incident report classification in
19 what I call purple, as the tall part of
20 the bar graph. Are you with me?

21 A. Yes.

22 Q. And you've put in blue the number
23 of incidents in safety reports. Do you
24 see that?

25 A. Yes, I'm following.

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2 Q. And that is the number of
3 incidents in blue represents the five most
4 serious categories of sexual assault;
5 true?

6 A. The five in blue show what Uber
7 disclosed in its safety report and the
8 ones in purple, aubergine, whatever, sorry
9 to the court reporter for aubergine, are
10 the ones in the interrogatory response and
11 for clarity, they should not be stacked,
12 they should be created independent. So
13 2936 plus 71080 in 2017 does not reflect
14 the total number of incidents. 71080 is
15 the total volume of incidents so this is
16 drawing a direct comparison between the
17 two.

18 Q. I understand and the number of
19 incidents reported in the safety report,
20 how did you get that number, how do you
21 know?

22 A. I read the safety reports and
23 inputted the numbers.

24 Q. In fact, the safety report itself
25 very clearly states what categories it is

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2 putting numbers to and what categories it
3 is not; true?

4 A. The safety report says that it is
5 including five categories and then in an
6 appendix lists the additional other
7 subcategories.

8 Q. And that's your source for
9 understanding which categories were
10 included; is that right?

11 A. So my source for understanding
12 what was included is in Uber's appendix,
13 especially I'm recalling appendix from the
14 2021 to 2022 report that has a historical
15 look back of all the incidents from all
16 the previous reports.

17 Q. So let's look -- let's go to --

18 MS. LEVY: Let's mark as an
19 exhibit 11, tab 11, which I think is
20 going to be Exhibit 6.

21 MS. WILKINS: I think you're on
22 9.

23 MS. LEVY: All right. Goodness.

24 (Exhibit 9, 2017-2018 Safety
25 Report, marked for identification.)

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2 BY MS. LEVY:

3 Q. My question, while we're pulling
4 it up, Ms. Keller, not only does Uber
5 disclose in the safety report itself what
6 the categories are that it's reporting on
7 but it also says why; right?

8 A. Uber -- so where are you talking
9 specifically in the safety report because
10 Uber says a lot of things in its safety
11 report.

12 Q. You've read the safety report or
13 at least looked at the safety report cover
14 to cover, have you not?

15 A. Yes.

16 Q. And do you recall Uber describing
17 what specific categories it had included
18 in its numbers? Do you recall that being
19 in its first U.S. safety report?

20 A. Yeah, let me just get there,
21 sorry.

22 Q. To shortcut, one place we're
23 going to go and talk about is page 33 of
24 Exhibit 9.

25 A. Okay.

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2 Q. Did you read the methodology
3 section of this safety report?

4 A. Yes.

5 Q. And so you understand that the
6 third paragraph that leads into the
7 bullets states, "This report includes
8 categories that represent serious safety
9 incidents reported by riders, drivers, and
10 third parties" and it lists those
11 categories. Do you see that?

12 A. Yes, I see the page states that.

13 Q. To the right of that, Uber has in
14 bold, "Why these categories?" And
15 explains why it chose these categories.
16 Do you see where I am?

17 A. Yes, in that kind of blue box?

18 Q. Yes, and Uber explains that it
19 strives to provide a clear and accurate
20 reflection of the most serious incidents
21 reported in connection with the U.S.
22 ridesharing platform while recognizing
23 that these incidents can pose unique
24 classification challenges.

25 Do you see that?

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2 A. I see that's what the page says.

3 Q. Do you disagree that the five
4 categories listed on the left are the most
5 serious categories of incidents in the
6 taxonomy or do you have no opinion on
7 that?

8 A. So what I would say in my report
9 I draw a distinction between the
10 categories that Uber internally in its own
11 KPIs or uses as part of its own KPIs
12 refers to as serious SA/SM incidents, so I
13 draw a few comparisons between what is
14 disclosed in those categories compared to
15 that of the safety report. I'm not
16 offering an independent judgment call on
17 what might be serious or not serious for
18 those categories but drive the contrast
19 between what Uber internally discloses as
20 serious. And furthermore, Uber says it
21 takes all reports, I don't know if they
22 use the word seriously or if that's just a
23 word in my head right now because we're
24 saying the word serious, but Uber takes
25 all reports and records them. So

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2 additionally, I show from Uber's own
3 analyses the volume of reports that Uber
4 has tabulated from its internal Flack
5 system through those tables and figures.

6 Q. Back to my question here, I
7 believe I understand you correctly. You
8 are saying there are other serious
9 categories that Uber recognizes as serious
10 that are not included in the list to the
11 left; correct?

12 A. Again, I said something slightly
13 different than that, was I'm using Uber's
14 designations of those categories as
15 serious SA/SM, not my own personal
16 judgment and that Uber takes every report
17 in -- I don't know if I want to use the
18 word serious. I can't remember the word
19 they used on the safety report, but they
20 believe victims so I'm also analyzing
21 those.

22 Q. But there's nowhere in this
23 safety report that Uber represents we are
24 disclosing all incidents or that we are
25 disclosing all serious incidents, it

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2 doesn't say that, it is saying we're
3 providing a clear and accurate reflection
4 of the most serious and it says which ones
5 those are. Do you agree with that?

6 MS. WILKINS: Object to form.

7 THE WITNESS: Are you asking me
8 if I can read or are you asking me
9 something different from that?

10 BY MS. LEVY:

11 Q. I'm asking you if I read that
12 correctly, is that we strive to provide a
13 clear and accurate reflection of the most
14 serious incidents, that's what Uber said;
15 right?

16 A. Uber said publicly that these are
17 the five that it's showing you. It also
18 shows a list of 20 some categories. It
19 doesn't show insufficient information or
20 parent category use tracking, and it
21 doesn't tell that Uber tracks internally a
22 different set that it views to be serious,
23 a set of subcategories that it views to be
24 serious.

25 Q. It also doesn't say these are the

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2 only serious categories there are. It
3 doesn't say that anywhere. You haven't
4 seen that anywhere in the safety report,
5 have you?

6 MS. WILKINS: Object to form.

7 THE WITNESS: It puts these out
8 as what it views as the most serious
9 but it doesn't show -- it doesn't tell
10 the public there's another set of
11 eight more that we view internally as
12 serious or there's 20 some other
13 categories that we collect data on and
14 here's the volumes of those datas.

15 BY MS. LEVY:

16 Q. There's a difference between
17 serious and the most serious, isn't there?

18 A. These are the terms of art but
19 what I'm telling you is what I've seen in
20 the documents and the list of
21 subcategories that Uber has designated as
22 serious SA/SM and what the numbers would
23 show if it had chosen to show those or
24 what the numbers would show if it had
25 chosen to show to the public all the

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2 categories that it collects data on.

3 Q. You're switching up the terms,
4 serious and most serious, and that's the
5 thing I want to drill down on.

6 Do you agree saying something is
7 serious, these categories are serious is
8 different than saying these categories are
9 the most serious?

10 MS. WILKINS: Form.

11 THE WITNESS: What I'm saying is
12 that there are categories that Uber
13 shows in its report, how it classifies
14 or characterizes those is how it
15 characterizes them and what I'm
16 drawing in comparison is there's
17 another set of eight categories that
18 Uber internally designates as serious
19 SA/SM and I put that in quotes, and
20 then there's all of the categories of
21 data that it collects data on because
22 it says that it believes victims and
23 reports on that data. So what I'm
24 showing is all three, what Uber shows
25 the public, what they track internally

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2 as serious and all the incidents that
3 are reported to Uber.

4 BY MS. LEVY:

5 Q. Can you point me to anywhere in
6 the safety report that Uber represents in
7 the safety report we are going to give
8 numbers for all categories, it doesn't say
9 that, does it?

10 A. I think that's the -- my report
11 is critiquing that is that it doesn't say
12 that so this is what it is not telling the
13 public about and this is the volume of
14 reports that it's not telling the public
15 about. And, in fact --

16 Q. Sorry, I didn't mean to interrupt
17 you.

18 A. That's okay. And, in fact, in a
19 block post on its website and I believe
20 one of the first figures in my report,
21 Uber says they are only disclosing
22 3 percent of the reports that it receives
23 on the platform.

24 Q. Uber is quite clear, quite
25 transparent about the fact that it is not

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2 disclosing all of the incidents; right?

3 MS. WILKINS: Object to form.

4 THE WITNESS: In this report,
5 Uber and other reports Uber says what
6 five it's reporting on. It also cites
7 other reasons for not disclosing them,
8 such as auditing and audit aligner and
9 we can discuss that methodology at
10 another time but what I'm saying is
11 Uber has admitted to the public that
12 it's only showing 3 percent, that they
13 are showing the tip of the iceberg and
14 knowing when they know that there is
15 an underreporting not only nationwide
16 but on their platform specifically
17 because drivers know where riders live
18 and because of the kind of knowledge
19 that the two parties have of one
20 another in the platform.

21 BY MS. LEVY:

22 Q. Can you point me to a sentence in
23 the methodology that is not true or is
24 false?

25 A. What Uber is saying in its

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methodology, and I'm looking at a different document than the 2017. I'm referring to the methodology in the 2019-2020 report, if I recall, and in that document it's talking about auditor alignment and in that document, Uber discusses auditor alignment being one of the reasons why they disclose only a subset of incidents. And in that methodology, the auditor alignment says that within the subset -- within the incidents that they reviewed, which was a random sample and also a targeted sample, that they had piled the alignment within those samples. I want to say something like 87 percent but I would like to have that in front of me to be more specific.

Q. Can you remember my question?

A. Yes. And so what I'm saying is Uber cites a number of reasons as why it's choosing these and those appear to be red herrings in a way, I would say red herrings in their process. They are choosing a set of incidents to report on

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2 when there's auditor alignment in the
3 methodology that says there's high level
4 of agreement and even I think there's one
5 category that they report on that doesn't
6 meet the threshold they talk about, and
7 two, I'm saying that Uber doesn't talk
8 about what it has internally. What it
9 knows also about what they consider
10 internally as serious SA/SM reports and
11 what internally they know to be true about
12 different risk patterns, and that's from
13 them, not from me, about incidents on the
14 platform, whether it's at night or trips
15 near a bar, et cetera.

16 Q. So we're going to go back to
17 Exhibit 9 and I'm just going to ask you a
18 very simple question. Can you point me to
19 any statement in this Exhibit 9 that is
20 false, that is not true?

21 MS. WILKINS: Overbroad.

22 THE WITNESS: What I'm saying is
23 this is part of the picture.

24 BY MS. LEVY:

25 Q. It's just a yes or no question,

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2 can you point me to a statement that is
3 untrue?

4 A. But it's not a yes or no
5 question. This is a much more
6 comprehensive issue than what you're
7 making it out to be right now. There are
8 27 categories of data that Uber produced
9 in the Flack interrogatory response. This
10 talks about five. What's the reason --
11 you point me to a place on this page where
12 Uber says why it doesn't include the other
13 incidents in its report.

14 Q. Where does it says we're
15 including all 27?

16 A. Just by not saying something is
17 not the same as having a correct or
18 incorrect statement. Just because they
19 don't say it doesn't make it true. I may
20 have flipped my words on that. But
21 they are saying they are reporting five.
22 They are not saying anything about the
23 other 20 some categories that they are not
24 disclosing. They say they exist but they
25 let the public wonder to themselves what's

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2 in those categories and so it's my role in
3 this litigation to show the volumes in
4 those categories that they have excluded
5 from this report.

6 Q. You don't have any problem with
7 categorizing the five on the left as the
8 most serious, you don't have a different
9 list of most serious do you?

10 MS. WILKINS: This has been asked
11 and answered a number of times.

12 THE WITNESS: We have a
13 definition for those fives, I think
14 it's the reportable five in my report.
15 That set of entities or subcategories
16 is identified in my report as that
17 reportable five or something to that
18 effect which I specify in contrast to
19 the serious SA/SM incidents that it
20 internally identified.

21 BY MS. LEVY:

22 Q. Now when Uber published the
23 safety report, this one we're looking at
24 in Exhibit 9, were there other safety
25 reports like this that it was copying or

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2 was this the first of its kind?

3 MS. WILKINS: Object to form.

4 THE WITNESS: I mean what do you
5 call a safety report? I wrote a
6 report on gun trafficking in the
7 New York Attorney General's office
8 that was the first of its kind so you
9 tell me.

10 BY MS. LEVY:

11 Q. You're proud of that. In your
12 résumé you say it was the first of its
13 kind and that's something you're really
14 proud of?

15 A. Of course.

16 Q. The safety report was the first
17 of its kind studying sexual assault and
18 sexual misconduct, the first one you've
19 seen?

20 MS. WILKINS: Object to form.

21 THE WITNESS: I don't know what
22 you're referring to as safety report.
23 There's other reports that nonprofits
24 have been putting out in the world
25 forever so if Uber wants to call it

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2 the first of its kind, Uber can call
3 it that. I'm not opining or giving it
4 any opinion on whether it is the first
5 of its kind and what that means. I'm
6 opining on what's in it and comparing
7 it to -- what's in it versus what Uber
8 has in its own documents.

9 BY MS. LEVY:

10 Q. Can you identify any corporation
11 who's ever published a report about sexual
12 assault or sexual misconduct that's done a
13 better job at it than Uber has?

14 A. That's such a value judgment. I
15 am not prepared to offer an opinion on
16 pitting one company's report against
17 another. I'm here to offer an opinion
18 what Uber put in its safety report versus
19 what it knew in its own data.

20 Q. You've never seen anybody else do
21 it more comprehensively than Uber has done
22 in the safety report and certainly not in
23 that time frame, have you?

24 MS. WILKINS: Object to form.

25 THE WITNESS: I don't know how

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2 that's a different question than the
3 one you just asked me. It's the same
4 response. I'm not here to evaluate
5 two different reports against one
6 another. My role here is to talk
7 about the data that's in one report,
8 that's in one -- in the Uber safety
9 reports compared to the data that it
10 has internally.

11 BY MS. LEVY:

12 Q. If I understand your testimony
13 correctly, your problem to the extent you
14 have -- do you intend to offer
15 characterizations about the safety report
16 or do the opinions that you have offered
17 in this case and intend to offer in this
18 case, will they be limited to the data?
19 In other words, like what is in and what
20 is not in?

21 A. The second part is what I intend
22 to do. What numbers are in, what
23 categories are in, what data is included
24 in the data, that's my opinions referring
25 specifically to the volumes of data in the

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2 safety report as compared to what Uber had
3 internally.

4 Q. To retreat to our first dance
5 with each other and vernacular in the
6 litigation where we talked about you're
7 not giving the opinion about what someone
8 should have done but what they could have
9 done, do I understand you to be saying
10 that same kind of opinion you're going to
11 be offering here, what Uber could have
12 reported but you will stop short of
13 offering what they should have reported
14 and leave that for others to decide; is
15 that fair?

16 A. I think that's a fair
17 characterization of my testimony here.
18 It's very similar to that where I've been
19 admitted in other cases.

20 Q. And I want to be clear because
21 before our lunch break you used the term
22 misleading and that seems like a value
23 judgment to me. We looked at the lunch
24 break to see if your report says anything
25 about misleading. We don't see it in

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2 there. I think that's outside of the
3 scope of what you intend to offer to the
4 jury, that you're sticking to here are the
5 numbers they had, here are the numbers in
6 the safety report, here are the underlying
7 numbers that appeared. Do you intend to
8 go further than that and tell the jury the
9 numbers are misleading?

10 A. So I did not intend for that word
11 to have such value attributed to it. What
12 I was trying to convey and maybe with a
13 little hungry brain going on there was the
14 volumes of the incidents reported in the
15 safety report are different and less
16 considerably, if we say 97 percent less
17 than what the volume of reports that it
18 has internally. That's the scope of that
19 opinion.

20 Q. Okay. And I appreciate the
21 clarification. I think that can make our
22 day together more efficient if that will
23 be the limit and that you do not intend to
24 go further and say things like what Uber
25 should have reported, what a duty to

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2 report, opining that it is negligent not
3 to report, opining on the standard of care
4 or that it was misleading not to do that.
5 I understood from the four corners of your
6 report that you would be limiting to the
7 data and I just want to make sure we're
8 clear on that.

9 A. My report draws the comparisons
10 between internal datasets, whether that's
11 the Bliss and Jira data or the Flack
12 interrogatory responses, the S-RAD systems
13 and the other documents I reviewed in
14 comparison to what is in the safety
15 reports and I draw parallels or contrast
16 those two points from a data perspective.

17 Q. And you will stop short of
18 offering an opinion that doing that is
19 misleading, violative of law, negligent,
20 unfair, irresponsible, those types of
21 value judgments are outside the scope of
22 your report, you are sticking to the
23 numbers, am I right about that?

24 MS. WILKINS: Object to form.

25 THE WITNESS: I will let the

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2 court or maybe it's another expert,
3 I'm not aware of the others, I will
4 let them attribute the value judgments
5 as necessary to the information and
6 facts that I provide in my reports.

7 BY MS. LEVY:

8 Q. Okay, I appreciate that
9 clarification.

10 Going back to page 28, opinion 1,
11 the Figure 7 is intended to show the blue
12 numbers that are included in the safety
13 report and the purple or chartreuse
14 numbers that are in the Flack data;
15 correct?

16 A. Yes, I think I heard you
17 correctly, it is to draw a comparison to
18 the two, it should not be added together
19 but compared separate from one another.

20 Q. You're not offering the opinion
21 that the blue numbers that are listed as
22 appearing in the safety report are wrong
23 numbers, they are not, in fact, the five
24 most serious, in that I don't see that
25 anywhere?

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2 MS. WILKINS: Object to form.

3 BY MS. LEVY:

4 Q. Do you understand the question?
5 That was a little worded.

6 A. I think I do and I'll say that
7 I'm taking the safety report numbers here
8 and showing them as they appear in the
9 safety reports and in another paragraph, I
10 offer an opinion that there are -- and if
11 you let me -- I can search this. One
12 second.

13 I offer the opinion that there
14 are additional reports that are within
15 those categories that Uber tabulated in
16 its interrogatory responses that aren't
17 disclosed in those safety reports. Does
18 that make sense?

19 Q. Yes.

20 A. So for the years 2017 through
21 2022 there are additional reports that
22 Uber has not disclosed in its safety
23 reports.

24 Q. And you have not -- we'll get
25 there. Tell me what paragraph

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2 specifically you're referring to to make
3 sure we're talking about -- I think I know
4 what you're talking about but I want to
5 make sure we're on the same page.

6 A. Sure thing. There are two
7 footnotes, 63, 64 that reference those.

8 Q. So 63, can we go to it on page
9 31, just call that up.

10 A. And just to be fully
11 comprehensive is there's paragraph 49.

12 Q. Let's go to 63 first. Here you
13 say that your tabulation of Flack incident
14 classification includes 68 additional
15 incidents in the five categories not
16 included in the safety report. In other
17 words, 68 additional on top of the 12,522;
18 right?

19 A. That's correct, that's what --
20 that's what's in the Flack incident
21 classification data produced by Uber.

22 Q. Did you do any investigation
23 about why that is?

24 A. That's not possible, hang on,
25 strike that. So the Flack incident

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2 classification was just produced so at the
3 time of this report I couldn't do that
4 comparison because I had Bliss and Jira
5 data and I had Flack interrogatory
6 responses but I didn't have the link
7 between the two. Now that I have the
8 Flack data that was just produced like
9 from the raw data we'll call it, I have to
10 evaluate whether that's possible to do but
11 I have not been able to do that analysis
12 yet.

13 Q. And as part of putting the
14 statement in this footnote, did you look
15 at the timing of when the reports were
16 made?

17 A. It's the same answer because the
18 timing of the reports I would need the
19 Flack data to do that to understand which
20 incidents Uber was categorizing into these
21 five categories and then trace back to the
22 timing that those were submitted. The
23 interrogatory responses themselves did not
24 provide the time that those reports were
25 made. They are just totals so at the

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2 point of filing this report, that analysis
3 was not possible so I reserve my right to
4 do such analysis with the recently
5 produced Flack data.

6 Q. So I don't know today based on
7 the work you have done whether those
8 reports came in later, whether they
9 represented duplication, whether there was
10 an error in calculation, you just don't
11 know what accounts for the 68?

12 A. I don't want to theorize about
13 work I haven't been able to do yet. I
14 want to be able to fully consider that
15 Flack data before making any assessments.
16 What this does is notes the discrepancy
17 between the two sources originating from
18 Uber.

19 Q. Is there a statistically
20 significant discrepancy if you include
21 these numbers, did you look at that?

22 A. Include what numbers?

23 Q. The additional reports, is the
24 discrepancy substantial, is it
25 statistically significant?

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2 A. The reports are I'm noting just
3 like I do in any of my footnotes when
4 there is a discrepancy. The reports are
5 there. Whether or not they're
6 statistically significant is not necessary
7 for that footnote. I'm pointing out that
8 there is a discrepancy.

9 Q. That's not something you looked
10 at or calculated?

11 A. I'm noting the discrepancy
12 between what Uber produced in litigation
13 versus what it's showing to the public.

14 Q. And again when we go through
15 section B, you've noted here and
16 quantified other serious categories other
17 than the five that Uber calls the most
18 serious and you've attached numbers to
19 those in paragraphs 42 and 43. Are you
20 with me? Page 30 and 31?

21 A. So I think you're talking about
22 the analysis that I did of the Uber safety
23 reports as compared to the categories that
24 they internally review, they refer to as
25 serious SA/SM.

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2 Q. Correct.

3 A. Okay, I'm there.

4 Q. Nowhere in any of the safety
5 reports does Uber say hey, we're reporting
6 all of the serious reports, not just a
7 small portion of them, they don't say that
8 anywhere; correct?

9 MS. WILKINS: Form.

10 THE WITNESS: Uber says in its
11 safety reports that it reports the
12 five. It doesn't say hey, internally
13 we look at another eight and that we
14 build our KPIs off of an additional
15 eight. They don't say that in the
16 safety report.

17 BY MS. LEVY:

18 Q. You agree Uber does disclose
19 every category in the taxonomy so it is
20 clear that there are other categories.
21 It's not hiding the fact that there are
22 other categories that exist?

23 A. I kind of disagree with that.
24 Uber doesn't disclose all of the
25 subcategories. It doesn't leave in -- it

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2 doesn't disclose insufficient information
3 and it doesn't disclose parent category
4 use tracking in the safety reports.

5 Q. And other categories that you
6 think are excluded, information and parent
7 category, anything else?

8 A. Those account for four categories
9 because there are two within sexual
10 assault, sexual misconduct, so parent
11 category, use tracking and sexual
12 misconduct, and the same for insufficient
13 information. So those account for four
14 that it doesn't disclose in the safety
15 report but then it produced data on in
16 this litigation.

17 Q. And what's your understanding for
18 why Uber doesn't disclose or put those
19 categories in the taxonomy, a separate
20 taxonomy category, what do you know about
21 that?

22 A. Uber does have them in its
23 taxonomy and the category it produced in
24 the interrogatory response. That's the
25 distinction I'm trying to draw here.

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2 Q. So it's your testimony that Uber
3 could have put those additional categories
4 in its master taxonomy that it includes in
5 the appendix to the safety report?

6 A. It's my testimony that Uber has
7 those categories and disclosed data that
8 was in those categories in its
9 interrogatory responses and those
10 categories are not listed in the safety
11 report.

12 Q. So let's go to Appendix 6 of
13 Exhibit 9. I'm sorry, Appendix 4, which
14 is for our tech all the way at the very
15 end of Exhibit 9, the last two pages,
16 second to last page. You're familiar with
17 the page we have on the screen, are you
18 not, Ms. Keller?

19 A. Yes, very familiar.

20 Q. And that is what we refer to as
21 the taxonomy; right?

22 A. I think that's what you're
23 referring to, yes, and I think that's
24 maybe why we're having some tension is I'm
25 referring to the categories that I see in

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2 the Flack interrogatory response.

3 Q. So when you say taxonomy, you
4 mean the category that you've isolated in
5 table 1 of your report that's your
6 taxonomy?

7 MS. WILKINS: Object to form.

8 THE WITNESS: That's Uber's
9 taxonomy, it's under their taxonomy,
10 so some of it overlaps with this but
11 I'm noting like there are 68
12 categories, 68 reports that are not in
13 this actual -- in the safety report.
14 I'm also noting that there are four
15 categories just as a data scientist,
16 not as a value judgment, just as a
17 data person, this list is different
18 than this list and I'm noting that
19 difference.

20 BY MS. LEVY:

21 Q. And you have anticipated my next
22 question which is your report and your
23 anticipated testimony is limited to it's
24 not there. You don't intend to go further
25 and say it should be there, there was a

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2 duty to put it there, Uber did something
3 wrong by excluding it. Those things are
4 beyond your report, you are limiting
5 yourself in this report to the fact that
6 you are noting that those categories are
7 not there. Do I have that correct?

8 MS. WILKINS: Object to form.

9 THE WITNESS: With one addition,
10 I would say I'm noting the volumes
11 that occur in those categories but
12 that they are not reported in the
13 safety report.

14 BY MS. LEVY:

15 Q. Understood. Let's go -- let me
16 -- before we leave this appendix, have you
17 reviewed any of the underlying actual
18 reports in any of the categories listed on
19 this page we're looking at here, starting
20 with steering or leering, have you looked
21 at the content of the reports?

22 A. I think you have asked me this
23 before. I was like have I looked at any
24 of the tickets. Is that the same question
25 or am I misunderstanding?

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2 Q. Yeah, have you looked at and
3 you've seen some of the underlying tickets
4 but you did not do a comprehensive
5 analysis of those; right?

6 MS. WILKINS: Asked and answered.

7 THE WITNESS: So I've done a
8 comprehensive analysis of all the
9 tickets insofar as they are and I've
10 looked at a number of tickets in the
11 Bliss and Jira data but I'm not
12 offering opinions on that dataset at
13 this point in time and reserve the
14 right to do so depending on my review
15 of the Flack data.

16 BY MS. LEVY:

17 Q. Percentage of the incidents in
18 the Flack data are complaints that someone
19 stared at me or looked at me?

20 A. I'm sorry, the first part of your
21 question broke up. Can you ask it again,
22 please?

23 Q. Have you analyzed what percentage
24 of the reports fall into complaints that
25 the reporter was stared at our looked at

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2 or leered at or given a dirty look as in
3 the top category we're seeing here?

4 A. I've done a similar analysis to
5 that and we're already on that table where
6 I show the volume of reports by
7 subcategory and year.

8 Q. By that you're referring to
9 table -- I think it's 10.

10 A. Table 1, first one.

11 Q. I'm sorry. And have you looked
12 at -- I don't see any percentages here.
13 Have you done an analysis of what percent
14 of the reports fall in each of these
15 categories?

16 A. This table shows the numbers.
17 One could create percentages using these
18 numbers. I show the raw numbers because
19 it's -- what percentage you can't back out
20 to the raw numbers but raw numbers you can
21 always do percentages if you wanted to, so
22 that's the data I've shown here in this
23 figure, or this table I should say.

24 Q. You could do that but you've
25 chosen to express it this way because it's

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2 easier to convert?

3 A. This allows the reader to have
4 the numerator and the denominator so
5 that's what's shown in this table or a
6 denominator if you're comparing it to a
7 total, but it also gives you the breakdown
8 of each particular category in the volume,
9 in a volume expression as opposed to
10 percentage.

11 Q. And for purposes of your analysis
12 in this whole report, you're using Uber's
13 own definitions of each of these
14 categories, you didn't create new
15 definitions, did you?

16 A. I'm using Uber's definitions when
17 I'm showing the table. When I am showing
18 the tables and this is not only their
19 definitions but their categorization of
20 the data. So I'm taking what they have
21 produced in the litigation through that
22 interrogatory response and aggregating it
23 to the year, for example, in this table.

24 Q. And you know in your work in this
25 case that Uber worked in experts in the

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2 field of sexual violence to come up with
3 the taxonomy, the categories and the
4 definitions of each category, right,
5 that's something you're aware of?

6 MS. WILKINS: Object to form.

7 THE WITNESS: I know that Uber
8 puts itself out that way but however
9 they have chosen to file these reports
10 doesn't change the facts of my report.
11 I'm reporting on what's in that filing
12 system.

13 BY MS. LEVY:

14 Q. So you aren't making any
15 judgments on how the categories are
16 defined or offering any better
17 definitions; right?

18 MS. WILKINS: Asked and answered.

19 THE WITNESS: Yeah, I think the
20 same answer as before is I'm showing
21 the data, how Uber produced it to me,
22 or not produced it but produced in
23 this litigation.

24 BY MS. LEVY:

25 Q. Is that with the exception of the

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2 most serious category sexual assault,
3 nonconsensual sexual penetration, for that
4 one you sometimes change the term to rape;
5 right?

6 A. Yes, I use that term rape because
7 that's what the industry and what I'm used
8 to seeing -- not the industry, the sexual
9 assault nonprofit data when I look at
10 their websites and also what the FBI's
11 Uniform Crime Reporting, CompStat, all of
12 those refer to that as rape and so that's
13 what I'm used to reading in my prior work
14 with -- I'm sorry, what I'm used to
15 reading on those sources.

16 Q. Okay, let me slow down on that.
17 Which -- what are the third-party experts
18 that use the term rape instead of
19 nonconsensual sexual penetration, do you
20 remember?

21 A. So an example is the FBI uniform
22 crime reporting, I messed up the phrase of
23 that, but that is referred to as rape.
24 New York City's CompStat uses the term
25 rape so that's what I'm used to and in my

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2 previous work, especially when it overlaps
3 with gun trafficking work, I'm used to
4 looking at datasets in that work so I've
5 seen it referred to that incident as that.

6 Q. Now, your familiarity with the
7 criminal regulations that you've described
8 from your prior work, you recognize that
9 not all of these categories that are
10 listed in the Flack data or in Uber's
11 taxonomy in Appendix 4 of its safety
12 report, not all of these categories
13 constitute criminal activity, of course;
14 right?

15 MS. WILKINS: Object to form.

16 THE WITNESS: I haven't done that
17 specific analysis but for all the
18 categories but that's the -- what I'm
19 drawing here for -- I haven't done
20 that analysis for all categories.

21 BY MS. LEVY:

22 Q. So like a report, for example,
23 that he stared at me in the mirror, that's
24 not something that somebody could report
25 to the police and have somebody arrested

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2 for; right?

3 MS. WILKINS: Calls for
4 speculation, outside the scope of
5 Ms. Keller's opinion.

6 BY MS. LEVY:

7 Q. You can answer.

8 A. That is not something I provided
9 an opinion on. Each case would have to be
10 considered independently and that's not
11 something that I've done or am going to --
12 that I've done so far.

13 Q. Flirting is one of the
14 categories, sexual misconduct, comments or
15 gestures, category flirting. Flirting is
16 not something that's a crime in any place
17 you've ever been; right?

18 MS. WILKINS: Calling for legal
19 opinion, outside the scope of what
20 Ms. Keller is offering opinions on in
21 this litigation.

22 THE WITNESS: I'm not offering
23 that opinion. I'm offering an opinion
24 on how many incidents were reported in
25 flirting and I also offer the opinion

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that some of these misconduct incidents are -- according to Uber's own analysis are -- make -- they don't make. The phrase that Uber uses is a driver is [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] and so I'm reporting -- I have both of those pieces of analysis in my report.

BY MS. LEVY:

Q. The categories for which Uber collects data are extremely comprehensive and they are overinclusive of what a criminal code would consider criminal activity. Uber's taxonomy is much more than that, it collects much more than that; right?

MS. WILKINS: Object to the form as vague, also calls for a legal conclusion and is outside the scope of the opinions that Ms. Keller is offering in this litigation.

THE WITNESS: My -- I would just

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2 say my role here is calculating the
3 volumes of reports that are in these
4 categories and showing them in
5 contrast to what Uber has produced in
6 its public reports and also analyzing
7 the documents because the data hasn't
8 been produced for some of these that
9 have been identified as precursors or
10 other indicia of subsequent sexual
11 assault.

12 I'm needing a break, if that's
13 possible.

14 MS. LEVY: Certainly. Do you
15 want to take 10?

16 MS. WILKINS: Yes.

17 THE VIDEOGRAPHER: Going off the
18 record. The time is 4:25 p.m.
19 Eastern. This is the end of media
20 unit 3.

21 (Recess taken from 4:25 p.m. to
22 4:48 p.m.)

23 THE VIDEOGRAPHER: We're back on
24 the record. The time is 4:48 p.m.
25 Eastern. This is the beginning of

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2 media unit 4.

3 BY MS. LEVY:

4 Q. If we could go back to
5 Ms. Keller's report, Exhibit 1. And we
6 are still looking at Exhibit 1 of your
7 report which I think you have in front of
8 you. I want to turn to page 21 of the
9 report.

10 A. Okay.

11 Q. Are you with me?

12 A. Yes.

13 Q. Figure 21 shows your calculation
14 and depiction of the average frequency of
15 SA/SM incidents on an annual basis by
16 number of minutes, and that is based on
17 the incident count in the Flack report;
18 correct?

19 A. Yes, that's a brief
20 representation of what's in Figure 1.

21 Q. And what we're now seeing here is
22 what number of rides that happen each --
23 per minute as a denominator for this,
24 that's not reflected in this chart;
25 correct?

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2 A. That would be a different
3 analysis. I analyze rides in a different
4 part of the report. This is a time-based
5 analysis, I think we've talked about this
6 figure already today, is that this is a
7 way to normalize the data based off of
8 time. The trip analysis is elsewhere.

9 Q. So if I wanted to know, for
10 example, what is the chance that someone
11 could experience a sexual assault or
12 sexual misconduct incident as Uber
13 categorizes it on a ride, I don't know the
14 chance of that happening by looking at
15 this chart because I don't know the
16 denominator of the number of rides per
17 minute; right?

18 MS. WILKINS: Object to form.

19 THE WITNESS: I don't know what
20 you're -- are you defining chance, can
21 you define chance specifically because
22 I want to make sure.

23 BY MS. LEVY:

24 Q. I think you said risk. What is
25 the risk per minute of this happening to a

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2 particular individual? We would need to
3 know the number of rides to know that;
4 right?

5 A. I think I used the word rape. If
6 I said risk, I misspoke. Rape, and that's
7 a specific type of rape, so if you're
8 wanting to do that type of analysis,
9 that's in a different part of my report.

10 Q. We don't see that in Figure 1 on
11 page 21; right?

12 MS. WILKINS: Object to form.

13 THE WITNESS: That analysis is in
14 Figure 3.

15 BY MS. LEVY:

16 Q. We'll get to that in just a
17 minute. We also -- I think you told me
18 earlier that this frequency, you limited
19 the frequency analysis solely to Uber.
20 You have not compared it with the
21 frequency of sexual assault and misconduct
22 in any other context, only Uber; correct?

23 A. Sorry, I'm feeling a little
24 déjà vu. I think the same answer applies
25 about the questions or similarly the same

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2 question as before, this is an analysis of
3 what's in Uber and what's in Uber's own
4 data and specifically to the Flack
5 interrogatory responses that Uber compiled
6 for this litigation.

7 Q. And the incidents that are
8 reflected in this chart, they include
9 flirting, comments, staring, leering, all
10 the incidents, not just the serious or
11 most serious ones; correct?

12 A. This is of all incidents, all the
13 ones that Uber classified into its 27
14 categories that -- I'm sorry, 26
15 categories that it produced in its
16 interrogatory response.

17 Q. And I think -- I do think we're
18 on the same page on this but we don't know
19 whether in the outside world in any other
20 context sexual assault and sexual
21 misconduct in these categories happen more
22 frequently or less frequently than they
23 happened on Uber, we don't know that
24 because that's not an analysis you've
25 done; correct?

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2 A. That would be a different
3 analysis. The analysis that I do is
4 looking at what Uber's data, what is
5 contained in Uber's data, what Uber did
6 with that data and what it told the
7 public.

8 Q. The next page 22 of your report
9 in Figure 2, here you plot the average
10 frequency of rape or attempted rape in
11 hours; correct?

12 A. Yes, this is the -- in hours
13 so -- (froze).

14 THE VIDEOGRAPHER: Going off the
15 record. The time is 4:54 p.m.

16 (Discussion off the record.)

17 THE VIDEOGRAPHER: We're back on
18 the record. The time is 4:56 p.m.

19 THE WITNESS: So I think it's my
20 turn.

21 BY MS. LEVY:

22 Q. If you don't mind, thanks.

23 A. The image shows -- I think you
24 were just reading the title, the average
25 frequency of rape or attempted rape in

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2 hours using the Flack interrogatory
3 responses.

4 Q. This is the average frequency but
5 not the rate that what Uber calls
6 nonconsensual sexual penetration and what
7 you've put in the heading here as rape
8 occurs or is reported to occur on the
9 platform; right?

10 MS. WILKINS: Object to form.

11 THE WITNESS: I think you're
12 asking a similar question to what you
13 did before?

14 BY MS. LEVY:

15 Q. Yes.

16 A. Okay. So with that, I think
17 you're referring to a different chart or
18 different type of analyses. This takes
19 the rape -- the number I should say of
20 rape or attempted rape in Uber's taxonomy,
21 nonconsensual penetration or attempted
22 nonconsensual penetration and normalizes
23 them to the hour.

24 Q. And it's not on this chart how
25 many rides occur every hour. That doesn't

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2 appear on this chart; correct?

3 A. That would be a different
4 analysis.

5 Q. The lowest numbers we see on this
6 chart occur in 2024; correct?

7 A. The lowest numbers you're
8 saying -- you're referring to 14.3 so
9 there we're seeing one incident every 14
10 hours on average.

11 Q. And that is lower than any other
12 time that is plotted here; correct?

13 A. Yes.

14 Q. I notice in 2020 and 2021 we see
15 higher spikes and you grayed out two and a
16 half years for COVID. What is the
17 significance of COVID to your analysis and
18 why did you delineate that?

19 A. So COVID is delineated there by
20 the time in which COVID was present. I
21 determined that period as Uber's mask
22 policy and that provides context for those
23 numbers. The world at that time we know
24 that bars weren't as open, we know that
25 people were staying home more so that's

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2 just providing some context to the numbers
3 during that period of time.

4 Q. Did you do any investigation or
5 look behind like why the numbers rose in
6 COVID and why they are falling or are you
7 just reporting the numbers as you see them
8 in the data?

9 A. This is what is reported in the
10 data and I want to make sure that you're
11 understanding this image correctly. A
12 rise and a fall of this image, lower is
13 more frequent and higher is less frequent.
14 Unlike other images in the report, higher
15 is more incidents or more reports and so
16 this is in some ways kind of the inverse,
17 if that makes sense.

18 Q. I understand and I understand why
19 you're confused by my question. The
20 dotted line in Figure 2, what does that
21 represent?

22 A. That's the average across all
23 years.

24 Q. And that average includes every
25 year plotted here, including the COVID

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2 averages where there's a greater number of
3 hours per each alleged nonconsensual
4 sexual penetration?

5 A. I would say this is an average of
6 all the years included in this chart
7 taking into account 2017 where one
8 incident on average and I determined -- I
9 define the term in my report how I
10 calculate this but we'll just use the
11 simple terms in our definition here, every
12 16.3 hours and then during the COVID
13 years, 38.4 hours between incidents on
14 average, if you're normalizing to time.
15 So that bottom line includes all the years
16 that are shown on the graph.

17 Q. And to make sure I'm clear, I
18 think you've answered this but you didn't
19 do a look behind to try to account for any
20 confounding factors or any reasons why
21 these numbers might be changing; is that
22 right?

23 MS. WILKINS: Form.

24 THE WITNESS: So these are -- I'm
25 not quite sure what you mean by that

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2 because these are off the total volume
3 from Uber so those are reporting the
4 total volume from Uber.

5 BY MS. LEVY:

6 Q. In other words, it's math. You
7 looked at the total volume divided by the
8 number of hours in a year?

9 A. Other way around. Hours in the
10 year divided by the total incident rate.
11 But yes, math.

12 Q. You did not, for example, look at
13 the impact of news media or this
14 litigation or attorney advertising on the
15 numbers, on drivers to the numbers, you
16 didn't do any look at those kind of
17 factors, did you?

18 A. That would be a different
19 analysis. I did not need to do that for
20 this analysis that I've included here.

21 Q. Okay. And you didn't -- you
22 didn't do it for this chart but you didn't
23 do it -- you didn't need to do it and you
24 didn't do it; correct?

25 A. It being -- so it being the look

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2 behind or some sort of informed reason, is
3 that what you're asking me?

4 Q. Yes, I am.

5 A. So I took the numbers --

6 Q. Let me make sure we're clear.

7 What I want to understand is when you say
8 it's not necessary, I want to make sure
9 that's a clean no, like I didn't do it.
10 You said it wasn't necessary for this. I
11 want to know if you did it for a different
12 purpose. That's what I'm trying to get
13 to.

14 A. I see. So in my report, to do
15 that type of analysis was not necessary
16 because my report looks at the data that
17 Uber had in its possession as opposed to
18 what it disclosed to the public, draw
19 those comparisons and we can also talk
20 about the other things they did with that
21 data, S-RAD, but I think I've been very
22 clear that that's what I'm doing here.

23 Q. You were not trying to figure out
24 why this was happening, you were simply
25 looking at the numbers that Uber had and

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2 the numbers that it put out; is that fair?

3 MS. WILKINS: Object to form, it
4 mischaracterizes her prior testimony.

5 THE WITNESS: I'm a data analyst.
6 I'm looking at the data.

7 BY MS. LEVY:

8 Q. Okay. Let's -- I'm sorry.

9 A. And showing the calculations of
10 that data, I should say.

11 Q. Now, how you display the bar
12 chart -- let's turn to the next page --
13 strike that.

14 Turn to page 23, please. Figure
15 3. Figure 3 shows the rate of sexual
16 assault and misconduct incidents per year;
17 correct?

18 A. Using the same methodologies that
19 Uber -- methodology but the same type of
20 rate that Uber uses in its safety reports,
21 the per 100 million trips.

22 Q. And so that -- you've honed in on
23 one of the things I want to ask you about
24 is you actually took the numbers for 2017
25 and you multiplied them by 100 million;

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2 right?

3 A. Yes, because I wanted to
4 replicate what Uber, the same
5 representation that Uber does in its
6 safety reports.

7 Q. And so when we look at these
8 numbers at the top of the bar charts, for
9 example, 2017, 6,869, that is a much
10 smaller number but multiplied by a hundred
11 million. That's what we're looking at
12 here?

13 MS. WILKINS: Object to form.

14 THE WITNESS: It is a
15 representation following the same
16 methodology that Uber uses or the same
17 representation. I won't say
18 methodology because that means much
19 broader things. It follows the same
20 characterization of the numbers that
21 Uber does so I'm trying to show an
22 apples -- if Uber had shown what they
23 had internally in the same way that it
24 presents the numbers in its safety
25 reports in this per 100 million, what

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2 that data would show.

3 BY MS. LEVY:

4 Q. If you looked at how often these
5 incidents occur per every 10 million
6 trips, the numbers would shrink; right?

7 A. But that's not what Uber shows in
8 its safety reports so I'm replicating
9 that.

10 Q. If you looked at how often these
11 incidents occur per every one million
12 trip, they would shrink even further;
13 right?

14 MS. WILKINS: Object to form.

15 THE WITNESS: Again, my -- my
16 intention here was to show the data in
17 the way that Uber shows it in its
18 safety reports but with all the data
19 it had available to it.

20 BY MS. LEVY:

21 Q. And the incidents that are
22 plotted here in Figure 3, that includes
23 every single incident of every report that
24 Uber collected that you saw in the Flack
25 data including the least serious like

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2 flirting and staring and making a comment,
3 this is all the incidents; right?

4 MS. WILKINS: Object to form.

5 THE WITNESS: Uber -- so a few
6 things. Uber says it believes victims
7 so I'm calculating all of the
8 incidents that are reported to Uber
9 and I'm doing so on the Uber -- on the
10 calculations that Uber made itself on
11 its own data via the interrogatory
12 responses.

13 BY MS. LEVY:

14 Q. And it also -- in addition to
15 including every type of incident no matter
16 how serious, it also includes all the
17 reports made by people who weren't riders,
18 this is every report whether it's made by
19 a driver, a rider or a third party; right?

20 MS. WILKINS: Object to form.

21 THE WITNESS: My understanding is
22 they are all the reports that are made
23 on the Uber platform but Uber has
24 verified that -- I can't remember the
25 terminology specifically that they use

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2 that it was, for example, a trip that
3 wasn't on the platform. This includes
4 all of the reports that were made on
5 the Uber platform by riders, drivers
6 and third parties. That's what Uber
7 has reported the data to be. Uber has
8 not provided a field in the
9 interrogatory response to break that
10 out by driver or rider. I will say
11 that, and this is the same answer that
12 or similar answer to what I've given
13 before, the Flack data that was just
14 produced contains additional fields
15 that I am -- will review, haven't had
16 a chance to review, that may shed some
17 light on that breakdown but I have not
18 had a chance to review that yet.

19 BY MS. LEVY:

20 Q. So the bar graph we're looking at
21 in Figure 3, some of those were reports of
22 driver misconducts, others of these
23 incidents reflected in this figure are
24 reports of rider misconduct and others are
25 reports of third-party misconducts; true?

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2 A. It reflects all of the reports
3 made to the platform.

4 Q. If you isolated only the reports
5 of drivers engaging in sexual assault and
6 misconduct against riders, you would
7 expect those numbers to be smaller than
8 these; correct?

9 MS. WILKINS: Object to form.

10 THE WITNESS: I have not analyzed
11 that yet so similar to that on table
12 1, I don't want to theorize on
13 something that I haven't analyzed yet.

14 BY MS. LEVY:

15 Q. If you isolate just one of the
16 three categories you would expect them to
17 go down; true?

18 MS. WILKINS: Asked and answered.

19 THE WITNESS: This figure we're
20 talking about is by year so it's not
21 by particular categories, it's all the
22 categories combined.

23 BY MS. LEVY:

24 Q. And you have not done that
25 analysis; correct?

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2 A. At the time of filing my report,
3 Uber had not produced data that would
4 allow me to do so. I'm reviewing -- Uber
5 had either -- Uber had not produced data
6 that allowed me to do so, all the
7 interrogatory responses, or I was awaiting
8 data from the Flack system that I was
9 anticipating being -- having fields that
10 might shed light on such an issue.

11 Q. Let's turn the page and look at
12 Figure 4 on page 24. This figure
13 illustrates your calculated rate of rape
14 incidents per year; correct?

15 A. This is what I have calculated
16 using the data that Uber has provided to
17 me using the nonconsensual penetration,
18 also known as rape, divided by the volume
19 of trips that Uber produced in its
20 interrogatory responses.

21 Q. And the numbers that we're seeing
22 here, the total numbers of reports where
23 the reported incident was nonconsensual
24 sexual penetration, that's the white
25 numbers we see at the top of the bar

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2 graphs; correct?

3 A. Those are the reports per 100
4 million trips. To be clear it's not the
5 raw numbers, it's a rate.

6 Q. It's [REDACTED] out of every hundred
7 million trips; correct?

8 A. [REDACTED]

9 Q. In 2017?

10 A. In 2017, the rates [REDACTED] per 100
11 million trips, we see some fluctuations in
12 the interim years and the final year you
13 see [REDACTED] per hundred million trips.

14 Q. In 2017, for example, I haven't
15 seen the conversion. That's one out of
16 how many million rides?

17 A. I haven't done that math. We
18 would have to move decimal points over to
19 do that analysis and to be honest it's
20 late in the afternoon and I don't want to
21 mess up. Every time someone asks me to do
22 math on the record I get nervous. If you
23 want to give me a calculator I'm happy to
24 do it.

25 Q. You would have to move the

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2 decimal point over by two decimal places
3 to do one out of a million; right?

4 MS. WILKINS: Asked and answered.

5 THE WITNESS: We would have to
6 move the decimal place, yes, but this
7 image is reflecting the rates that
8 Uber puts in its safety report which
9 is why I chose that per hundred
10 million trips.

11 BY MS. LEVY:

12 Q. And for this metric, just like
13 the other metrics we've talked about
14 previously, you were not asked to and did
15 not compare the rate of allegations of
16 nonconsensual sexual penetration on Uber
17 to anything outside of Uber, to how often
18 that happens in the real world or other
19 methods of transportation, you didn't do
20 that analysis; correct?

21 A. This is the real world. I love
22 this term. You and I have got this term
23 in opioids and here it is again.

24 The real world is this data.
25 These are real incidents. A Jaylynn Dean

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2 incident is a real allegation of rape. So
3 that is an incident that's in this data.
4 So to the extent that I'm analyzing real
5 reports that happened to Uber or happened
6 on the Uber platform that Uber recorded
7 and is in their dataset, that's what's
8 reflected in my report.

9 Q. I take your point and I
10 completely agree with you. I don't
11 disagree with that characterization. Let
12 me ask it a better way. You did not
13 compare the rates or the risk of rape
14 occurring on an Uber platform to the risk
15 of it occurring anywhere else in the real
16 world, anywhere else in the world, let's
17 say, take out real?

18 A. The same answer as previously
19 today. I did not need to do that analysis
20 to do my analysis which was to compare the
21 data that Uber had in its possession, that
22 it tabulated from these interrogatory
23 responses, that it studied internally,
24 that it made the S-RAD program off of
25 versus what it told the public.

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2 Q. And nobody asked you to look and
3 compare these rates to taxis, to walking
4 down the street, to other situations
5 somebody might be in, that is not
6 something that you were asked to do for
7 this case?

8 MS. WILKINS: This has been asked
9 and answered many times.

10 THE WITNESS: My assignment was
11 the same answer that I've given
12 before, is to look at the data that
13 Uber had in its possession, what it
14 did with that data and how it
15 presented that data to the public.

16 BY MS. LEVY:

17 Q. On the next page, 25, paragraph
18 36, here we see the same thing. We see
19 display of the data per 100 million trips;
20 is that correct?

21 A. So this, I think you just said
22 the data so just to be clear, this is the
23 rate of the publicly disclosed five so
24 these are the Uber five disclosed
25 categories using per 100 million trips

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2 which is the metric that Uber also
3 utilizes in its safety reports.

4 Q. And Uber refers to this as the
5 five most serious categories as we
6 discussed before; correct?

7 A. That is one characterization of
8 those five but they are the same five.

9 Q. Okay. And in order to get -- in
10 order to understand how frequently those
11 most five serious incidents occur out of
12 every three million trips, you would have
13 to move the decimal two places over;
14 correct?

15 A. That would be a different
16 denominator. I'm using the denominator
17 Uber uses in its safety reports.

18 Q. Right, but in order to show how
19 frequently those top five events are
20 reported to occur on Uber, you would have
21 to move the decimal place two places?

22 A. If -- let me make sure I'm
23 understanding. So if you wanted to show
24 it per one million trips versus 100
25 million trips, you're asking if you move

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2 the decimal place correctly?

3 Q. Yes.

4 A. Yes, to do that you've done your
5 math correctly but I'm saying I've shown
6 the method in which Uber shows this data
7 in its safety reports.

8 Q. Now, we've talked a little bit
9 today about your views on underreporting
10 and I think I understand you to say you
11 have not calculated or estimated what
12 might be the rate of underreporting. That
13 is not something that you've done a
14 calculation of; correct?

15 A. I've noted that both Uber -- that
16 Uber is aware of underreporting internally
17 and in its statements in safety reports
18 but that's the extent to my opinion on
19 that at this time.

20 Q. Paragraph 37 of your report cites
21 to a U.S. Department of Justice study
22 about the rate of reporting. You're not
23 aware of any analysis of internally at
24 Uber or that you've done yourself that
25 compares whether individuals report more

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2 frequently to Uber through its reporting
3 channels than they do outside of the Uber
4 platform, you're not aware of any analysis
5 comparing on Uber rates of reporting
6 versus outside of Uber rates of reporting;
7 correct?

8 A. What I am aware of is that Uber
9 has internal documents that are aware of
10 the underreporting due to the -- I don't
11 know if I want to use the intimate, the
12 closeness of the rider/driver pairings
13 because that driver may know where the
14 rider lives. I know I've reviewed
15 thousands of tickets that had a keyword
16 phrase similar to that of he knows where I
17 live, they know where I live. I've done
18 that analysis but that's -- that's what
19 comes to mind sitting here today.

20 Q. Have you made it part of your
21 work in this case to study whether
22 individuals reporting sexual misconduct
23 are more likely to report strangers or
24 people that they know?

25 A. That would be a different

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2 analysis than what I've done. What I do
3 know is what Uber has said internally and
4 to the public on the issue, as well as the
5 tickets that I've seen highlighting their
6 fear of retaliation due to the driver
7 knowing where they live.

8 Q. So I think when you say this has
9 been a different analysis, you mean you
10 didn't look into whether generally in the
11 world reporting of strangers is higher
12 reporting rates or lower reporting rates
13 than reporting sexual misconduct against
14 individuals that someone knows, that's not
15 something that you did as part of your
16 study here?

17 MS. WILKINS: Asked and answered.

18 THE WITNESS: I don't know how
19 you're defining the driver someone
20 knows or they are considered a
21 stranger, I don't know how you define
22 that. My opinions are shown pretty
23 clearly in my report here and those
24 are my opinions.

25 ///

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2 BY MS. LEVY:

3 Q. Your assumption just as a matter
4 of common sense is riders and drivers are
5 almost always strangers; right?

6 A. I don't know. Yes or no I
7 don't -- Uber operates in small towns, big
8 towns. I would be totally guessing. I
9 know personal experience, I know two Uber
10 drivers. I would be totally guessing what
11 percentage are strangers versus
12 acquaintances.

13 Q. Moving on to opinion 2 on page
14 26, this opinion is encapsulated in Figure
15 6 on page 27 and here this is actually not
16 something that you created but this is a
17 screenshot from Uber's own blog post in
18 earlier this year; correct?

19 A. I would say that's not quite a
20 correct representation of my report. That
21 figure is one basis but there are -- so
22 Figure 6, let's be very specific, is one
23 part of that opinion but opinion 2 spans a
24 number of paragraphs that have that
25 analysis that support it.

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2 Q. Okay. So let's look at Figure 6.
3 Did you recalculate the percentages of
4 most serious and by that I mean the five
5 categories that Uber calls most serious,
6 versus all other categories, did you run a
7 different analysis and get different
8 numbers than Uber has illustrated here in
9 this pie chart?

10 A. That's discussed in paragraph 39,
11 that comparison.

12 Q. And what do you think are -- do
13 you agree that the topmost serious as
14 disclosed in Uber's safety reports
15 constitutes 3 percent --

16 A. That's wrong -- I'm sorry, I
17 talked over you.

18 Q. I'm sorry, I didn't finish my
19 question. I was in the middle of a cough.
20 In Figure 6, when Uber represents that the
21 most serious categories, meaning the five
22 most serious categories represent
23 3 percent of its reports in Uber safety
24 reports, do you believe that number is
25 correct or incorrect?

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2 A. So I'm saying that my analysis of
3 that image, so I'm putting that image in
4 here, is below in paragraph 39 and so that
5 -- to look at 2017 to 2022, that number
6 would be 12522 divided by the 392828 and
7 put that percentage in there, but that's
8 the analysis that I would do. I don't
9 have my calculator in front of me. I have
10 a feeling it's very close to 3 percent.

11 Q. As you sit here today, you're not
12 saying that 3 percent is wrong, it's a
13 miscalculation?

14 A. I'm saying my clarification of
15 that figure in paragraph 39. Sorry, I
16 like to be very specific when I respond.
17 If I haven't done the math and can't check
18 myself I don't want to be certain, but
19 what I'm telling you that if you take
20 12522 divided by 392828 that will arrive
21 at my calculation of that number which
22 based off of the subsequent sentence I
23 assume to be very close to 3 percent.

24 Q. Okay. And you further state in
25 paragraph 39 that -- in the bottom of

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2 paragraph 39, in the last sentence it
3 says, "Considering the SA/SM incidents
4 from 2023 to 2024, Uber has currently
5 disclosed 2.3 percent of all SA/SM
6 incidents from 2017 through '24."

7 Do you see where I'm reading
8 from?

9 A. Yes, ma'am.

10 Q. Here's one weird question. Right
11 before the 2.3 it says OBJ. What is that
12 error message?

13 A. Honestly, I was a little like
14 distracted when I was looking at that.
15 That comes from -- we use Google Docs and
16 when the document gets converted to pdfs,
17 if something doesn't know to look for
18 those, they appear. They are like from
19 like track changes or something like that
20 so it means nothing other than just
21 something from the computer system, so it
22 doesn't have any special meaning that I'm
23 attributing to. It's a leftover from that
24 process and I apologize for that.

25 Q. And so I think is it fair to say

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2 that your point here is if Uber
3 extrapolated to what you see in the Flack
4 data all the way through 2024, then the
5 number it has currently disclosed would be
6 2.3 percent of SA/SM incidents in that
7 time frame?

8 A. I wouldn't use the word
9 extrapolated but what this 2.3 percent is
10 showing the 12,522 it's compared to the
11 total incidents we have at the top of the
12 report that appear in the Flack data that
13 Uber produced and tabulated in this
14 litigation and specifically the
15 interrogatory data, I should say.

16 Q. There isn't anywhere that Uber
17 has publicly given the wrong number from
18 2023 and 2024, you're just saying it
19 hasn't disclosed the percentage that goes
20 all the way through that time frame?

21 MS. WILKINS: Mischaracterizes
22 prior testimony.

23 THE WITNESS: So I answer; right?
24 So what I'm saying is it's 2025,
25 nearing the end of 2025. To date Uber

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2 has disclosed 12,522 incidents to the
3 public but it knows of -- I can't
4 recall the 500,000 incidents that it
5 disclosed in the Flack data as part of
6 this litigation.

7 BY MS. LEVY:

8 Q. So the number, the 2.3 percent is
9 the number actually disclosed as the
10 numerator and the denominator if it had
11 disclosed the number of every single
12 incident; is that fair?

13 A. That's a little strange because
14 if it had disclosed those incidents it
15 would have disclosed them. So I think the
16 correct or the way that I'm thinking about
17 this is it's disclosed 12,522 incidents
18 and then I'm looking up in the exhibit
19 here to earlier in my report, there's
20 546,196 incidents in the data that it
21 tabulated from the Flack system from 2017
22 to 2024. So it has not disclosed -- it's
23 disclosed some of those but not all of
24 those incidents so that's what that number
25 represents.

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2 Q. And you do not dispute that Uber
3 never said these are all the categories,
4 it never misrepresented that it is
5 disclosing all the categories, that's not
6 your complaint, your complaint is it could
7 have but did not do that; correct?

8 MS. WILKINS: Asked and answered.

9 THE WITNESS: I'm showing the
10 difference between what Uber has
11 disclosed for those five plus the 68
12 that were in those five as -- sorry,
13 that messes up that calculation but
14 what I'm saying is what Uber disclosed
15 as part of the safety reports, 12,522
16 as the numerator and the denominator
17 is the total number of incidents that
18 it received on the platform and that
19 it tabulated in its interrogatory
20 response in this litigation.

21 BY MS. LEVY:

22 Q. And again, I believe that -- I
23 think I understand your prior testimony to
24 apply here as well, that you do not intend
25 to offer any opinions other than what the

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2 numbers were disclosed here or the numbers
3 you saw in the Flack, for example, you do
4 not intend to offer the opinion that they
5 should have disclosed more information or
6 that it would have been good or better or
7 helped people or hurt people to disclose
8 more information, you don't intend to go
9 further and offer value judgments, you
10 intend to stick with what we see here,
11 here is the number that was disclosed and
12 here is the number that was not?

13 MS. WILKINS: Objection, compound
14 nature of the question and also this
15 has been asked and answered.

16 THE WITNESS: So similarly that
17 I've answered before, what I'm showing
18 here is the data that Uber had in its
19 possession, what it did with that
20 data, program that it created called
21 S-RAD and what it disclosed to the
22 public about that.

23 BY MS. LEVY:

24 Q. Similar question in Figure 7, the
25 blue that we talked about before, the blue

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2 lines are number of incidents in the
3 safety report that contain reporting on
4 the numbers and the purple or chartreuse
5 are numbers that Uber did not include,
6 they represent incidents in categories
7 that Uber did not put numbers to in its
8 safety reports; is that true?

9 A. Not quite. So that's why I want
10 to be very clear about what this figure is
11 because I don't want it to be --

12 Q. I'm still listening. I'm getting
13 a cough drop.

14 A. The 71,080, for example, in 2017
15 is inclusive of the five categories that
16 Uber disclosed in its safety report so
17 it's not in addition to the categories
18 that it hasn't disclosed, it's all of the
19 categories so it's a comparison. Does
20 that make sense?

21 Q. It absolutely does and I
22 appreciate the clarification. And again
23 as we discussed earlier, this is an
24 illustration of if Uber had chosen to put
25 numbers in every category it would have

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2 looked like the purple numbers as opposed
3 to the categories it chose which is
4 reflected in the blue numbers; is that
5 fair?

6 A. If Uber had reported all of the
7 incidents it received and categorized it
8 would be the volume in purple.

9 Q. And there isn't anywhere and, in
10 fact, Uber didn't ever say we are
11 reporting in every single category, it
12 didn't do that. It never represented
13 every single one of the numbers, agree?

14 MS. WILKINS: This has been asked
15 and answered a number of times.

16 THE WITNESS: I think that's the
17 whole point of this chart is Uber says
18 that it discloses five categories of
19 data. That's the blue. Uber
20 acknowledges another set of categories
21 in existence but doesn't disclose the
22 volume in those and with the exception
23 of the insufficient information and
24 pair category use tracking we
25 discussed earlier, the purple shows

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2 those volumes of reports.

3 BY MS. LEVY:

4 Q. Table 2 on page 29, that is just
5 the underlying numbers that are
6 illustrated in Figure 7 beside it;
7 correct?

8 A. Yes, it's the underlying numbers.
9 They should line up exactly. The blues
10 are the second column, the purple column
11 is the third column. The totals are
12 reflected in the total rows and you'll see
13 there's two totals, one to reflect the
14 safety time period and one to reflect the
15 final years.

16 Q. Just like Uber has never said
17 hey, we're going to put -- we're going to
18 give numbers for every single category, it
19 also has not ever said our safety reports
20 include numbers from every single serious
21 category, it never said that either;
22 correct?

23 MS. WILKINS: Object to form.

24 THE WITNESS: Can you ask that
25 again because I think that's

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2 contradicting something that --

3 BY MS. LEVY:

4 Q. I think we've covered this and
5 maybe you're misunderstanding me. The
6 safety report describes that it is
7 reporting for the five most serious
8 categories in Uber's terms; correct?

9 A. Yes.

10 Q. It does not say we are reporting
11 numbers for all categories; right?

12 A. The same answer as what we just
13 went over for the corresponding figure.

14 Q. Nor does it say we're reporting
15 numbers for all categories that we
16 consider to be serious, it doesn't say
17 those words either?

18 MS. WILKINS: Object to form.

19 THE WITNESS: I'm getting -- are
20 you -- I don't understand because the
21 first part of your question just says
22 Uber's safety reports talks about the
23 five categories it considers to be the
24 most serious, and you're talking about
25 serious again so I think that's maybe

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2 the problem.

3 BY MS. LEVY:

4 Q. Let me clarify because I asked
5 the question poorly. I don't want you to
6 be confused.

7 Uber never promised that it is
8 going to report every single category, the
9 numbers in those, nor did it ever promise
10 that it would be reporting every single
11 serious category, it didn't do those, it
12 didn't say that that's what it would do;
13 right?

14 MS. WILKINS: Object to form.

15 THE WITNESS: I don't quite
16 understand how you're defining
17 serious. I have what Uber refers to
18 as the reportable five and the
19 internal designation of serious SA/SM
20 and then all of the categories. Uber
21 in its safety reports says that it
22 bullies victims and I just don't
23 understand what you're defining as
24 serious and I don't want to guess
25 because those are three different

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2 characterizations of what could be
3 considered serious.

4 BY MS. LEVY:

5 Q. Yeah, let me see if I can do it
6 in baby steps. You have agreed that the
7 safety report does not represent itself as
8 reporting on all of the categories, we
9 agree on that?

10 A. The safety report reports the
11 five that it claims to report.

12 Q. And nor does the safety report
13 represent that it is reporting on all
14 serious categories, it simply says the
15 five most serious. Do you agree?

16 A. So that is the word serious, I
17 really am not trying to be difficult. Are
18 you trying to compare -- when I use the
19 term serious, I'm using either the
20 reportable five that Uber has said are the
21 most serious or the internal
22 categorization of serious SA/SM. So
23 anything outside of that is a new
24 definition to me and I just don't know how
25 to define that and so that's where I'm

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2 struggling.

3 Q. I think we've answered this but I
4 don't see anywhere in your report where
5 you say hey, the safety report promised
6 that it was going to give us numbers for
7 things that it never gave us. I don't
8 believe that is one of your opinions. Am
9 I right?

10 A. I'm talking about the numbers
11 that the safety report disclosed. I'm not
12 talking about safety report promises.

13 Q. Because you don't see anywhere
14 any safety report promises to disclose
15 numbers for more categories than it does
16 disclose, you have not pointed us to that?

17 MS. WILKINS: Object to form.

18 THE WITNESS: So the promise --
19 the safety report does say a lot of
20 forward-looking things and in its
21 statements, I would say, they talk
22 about transparency and make really
23 broad statements about what they --
24 how they are viewing the problem
25 internally. I am mostly concerned in

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2 my report about what Uber has
3 disclosed numbers wise to the public.

4 BY MS. LEVY:

5 Q. Okay. In 45 you list some of the
6 subcategories that Uber has not put --
7 attached numbers to and you've picked up
8 nine of them. Are you with me?

9 A. I think there's eight. Are we
10 talking about the same thing, the eight
11 that are in --

12 Q. Paragraph 45. I see 45.1 through
13 45.9 in your list. Are you with me?

14 A. I sure am but why does -- hang on
15 one second. Sorry, I was in paragraph 42
16 and I was looking at a different list.
17 Okay.

18 Q. Some of these categories,
19 flirting, there could be conduct in
20 flirting that is not sexual misconduct or
21 sexual assault to a law enforcement offer,
22 for example. Do you agree with that?

23 MS. WILKINS: Calls for a legal
24 opinion.

25 THE WITNESS: I don't know how a

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2 law enforcement officer would
3 categorize those. What I am
4 calculating is how Uber categorized
5 those incidents in its own taxonomy.

6 BY MS. LEVY:

7 Q. And have you looked at the -- for
8 each of these categories listed in 45,
9 have you looked at underlying reports to
10 see for yourself whether it's clear from
11 the reported information and how they
12 categorize these things or whether it's
13 difficult and requires subjectivity, was
14 that anything you did for your analysis?

15 A. So you're asking it was very
16 clear from the data that Uber produced how
17 they categorized the reports because
18 those -- it was either in that category or
19 not, Uber in its interrogatory response
20 made it very clear what category they were
21 putting the tickets into.

22 Q. And many of the reports in these
23 categories report incidents that aren't
24 typically viewed as sexual assault or
25 sexual misconduct, for example, staring at

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2 someone in a mirror, is that something
3 that you thought of before this case as
4 sexual misconduct, looking in a rear-view
5 mirror?

6 MS. WILKINS: Object to form.

7 THE WITNESS: That's not part of
8 my opinion, what I personally thought.
9 What my opinion is is what Uber
10 thought that category was and how they
11 categorized that data so my results
12 show that categorization.

13 BY MS. LEVY:

14 Q. And things like saying someone is
15 pretty or I like your dress or commenting
16 on appearance, you haven't done any look
17 behind to analyze whether the reports that
18 make up these categories involve
19 subjectivity or the severity of the
20 allegation, that's something you did as
21 part of your analysis, right, you're just
22 counting the numbers?

23 A. For this report because there
24 was -- because there was forthcoming Flack
25 data that is tied to the number of

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2 incidents, I had not been able to do that
3 analysis at the time of my report and I
4 don't know what I'm going to opine on
5 given that new data. Given the
6 interrogatory responses from the Flack
7 data that Uber provided, that type of
8 analysis would not be possible because
9 they produced aggregated numbers off of
10 that dataset.

11 Q. I think you talked about earlier
12 you've seen in the course of your work a
13 lot of tickets. You've seen Bliss
14 tickets, you've seen Jira tickets, you've
15 certainly seen tickets that include very
16 innocuous behavior that wouldn't
17 traditionally be considered sexual assault
18 or sexual misconduct. You've seen tickets
19 like that that are included in these
20 numbers?

21 A. That's not what I said. I said I
22 looked at numerous tickets. I did not put
23 the characterization on them that they
24 were not part of sexual assault or sexual
25 misconduct so I have reviewed tickets to

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see the types of information that were contained in those tickets. What the Flack data in my understanding of it will provide is some aggregation to a dominant ticket if there is duplication among tickets. So that dominant ticket may be categorized in a different way by Uber than the other tickets that are part of it. So the reason why I am hesitant to make any statements about this is I have not done that analysis to look at those aggregated tickets to the dominant ticket. I've looked at tons of tickets but because that dominant ticket categorization is still outstanding or was outstanding until recently, I'm not offering any opinions on that at this time because I have not done so.

Q. In the ticket you've looked at have you run across tickets that are included in Uber's definition of sexual misconduct in the way that it has constructed its taxonomy that aren't things that you would traditionally

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2 consider sexual misconduct, have you run
3 across tickets that fall under that
4 category?

5 A. So I think I've answered this
6 before. I'm not making my own taxonomy.
7 I'm following the way that Uber has
8 categorized these, which is why the Flack
9 interrogatory response and ultimately the
10 new Flack fields are important to that
11 analysis because it's how Uber categorizes
12 that. I'm not independently categorizing
13 them.

14 Q. You understand that the majority
15 of the incidents that appear in the Flack
16 data involve nonphysical incidents, not
17 touching, is that something you know?

18 A. That's not an analysis that I've
19 done. I do know that a number of the
20 comments and misconduct incidents are
21 potential indicators of later assaults.
22 Uber has done that analysis and that's
23 where I'm getting that understanding but
24 that's the extent to the analysis that
25 I've done on the comparison of the two.

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2 Q. And you haven't made an attempt
3 to look at the way Uber collects this data
4 is underinclusive or overinclusive
5 compared to what other incidents of sexual
6 assault might be, that's not something
7 you've done in your work in this case?

8 MS. WILKINS: Object to form.

9 THE WITNESS: Is this a different
10 question than -- how is this a
11 different question than am I making my
12 own taxonomy or is it a similar?

13 BY MS. LEVY:

14 Q. I'm not asking if you made a
15 separate Lacey Keller taxonomy. I'm
16 asking in addition to not doing that, you
17 haven't looked at the things that fall in
18 flirting to see if those kinds of
19 complaints would be considered sexual
20 misconduct or sexual assault in other
21 taxonomies by law enforcement or like a
22 normal vernacular, that's not what you
23 looked at; right?

24 A. Uber already did that. Uber
25 already categorized the incidents and they

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2 have a field for that and especially in
3 the Flack data there's the dominant ticket
4 which I have not yet considered because
5 that data has just been produced so Uber
6 has done that work for me to categorize
7 them. I don't need to do that myself.

8 Q. If Uber took the very, very broad
9 approach in what it included in its
10 taxonomy including things like dirty
11 looks, flirting, comments on appearance,
12 Uber took a broad approach to that, do you
13 agree?

14 MS. WILKINS: Object to form.

15 THE WITNESS: I don't offer an
16 opinion on whether it was broad or
17 comprehensive. What I offer an
18 opinion on is the number of incidents
19 that are in those categories and what
20 Uber -- and the volume of that
21 compared to the incidents that it
22 reported to the public.

23 BY MS. LEVY:

24 Q. And you didn't look to see if the
25 stuff, the incidents that Uber included

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2 are things that are normally outside an
3 Uber context considered to be sexual
4 assault, you didn't compare it to anything
5 outside an Uber context; is that true?

6 MS. WILKINS: Asked and answered.

7 THE WITNESS: I don't understand
8 how that -- I don't understand that
9 question and how that's different from
10 before. I did not need to do that
11 because I'm looking at information in
12 Uber, what they did with that data and
13 what they told to the public. And
14 Uber already does the categorization
15 so I don't need to do that. And those
16 categories are the categories that
17 Uber has, that Uber has produced data
18 on.

19 BY MS. LEVY:

20 Q. Looking at heading C on 33 where
21 you note that Uber has categorized more
22 than [REDACTED] sexual assault or sexual
23 misconduct incidents as insufficient
24 information, a subcategory that Uber did
25 not disclose in Uber's U.S. safety

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2 reports, have you gone to look at the
3 reports that make up the insufficient
4 information category?

5 A. So I have looked at a number of
6 reports. I am sure that some of them
7 include insufficient information but my
8 report looks at the volume that is in that
9 category and I am not recategorizing the
10 data that Uber has already categorized. I
11 take the data as Uber has presented it in
12 this litigation and furthermore -- sorry,
13 just one more thing, the Flack data also I
14 think -- I hate to repeat myself -- has
15 fields that also would be part of
16 potential analysis and I reserve the right
17 to do so.

18 Q. It's not your opinion in this
19 case for those [REDACTED] category of
20 insufficient information that that was not
21 true, that Uber really did have sufficient
22 information, that you have not done the
23 analysis to look at that and you're not
24 offering that opinion; am I right?

25 A. So to do that next level, I would

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1
2 need data that is at the ticket level and
3 then also I need data that looks at the
4 final categorization. That missing link
5 is the Flack data that was just produced.
6 I'm not sure my opinion of that data
7 because it was just produced, it was
8 actually reproduced so I don't want to say
9 one way or the other at this time if I'm
10 not planning to offer any opinions. The
11 report that I currently have filed
12 discusses the volume that's been
13 categorized into that field by Uber and
14 that's -- that's the basis of that
15 opinion.

16 Q. And similarly, with respect to
17 the category of parent category usage
18 tracking that is referenced in paragraph
19 48 of your report, you haven't at this
20 point in time offered any opinions that
21 Uber is wrong about those tickets and that
22 they belong somewhere else, you don't have
23 an opinion as to whether you agree or
24 disagree that this category is made up of
25 tickets and don't have enough detail to

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2 classify in one of the subcategories,
3 that's not work you've done; correct?

4 A. I would say the same answer as
5 insufficient information with all the
6 caveats I gave about Flack data and the
7 fields within it might provide some
8 insight. But at this point in time, my
9 report focuses on the volume because
10 that's the data that was available to me
11 at the time of filing this report.

12 Q. One last question before we take
13 a break and I'm going to try to address my
14 coughing situation. I want to talk about
15 one last paragraph rather. 49, I think we
16 talked about earlier that as a result of
17 your analysis of the Flack data, you've
18 identified 68 reports of the 564,000 plus
19 that you identify were not in publicly
20 disclosed in the five most serious
21 categories but that were found in the
22 Flack data; is that correct?

23 A. Yeah, just a few points. So the
24 68 are, if you look at the five reportable
25 five categories as I define them which is

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the same as the publicly disclosed five --
I'm sorry, reportable five was what I've
using today. We've used publicly
disclosed five in my report, my apologies.
The publicly disclosed five categories, if
you look at those five categories of data
in the Flack interrogatory response, tally
those up and compare it to the safety
reports, you get [REDACTED]
[REDACTED] specifically are in that rape
or -- that rape category.

Q. And that, what we see about those
reports in paragraph 49 is the extent of
your analysis. You have not done further
analysis on when those were reported, why
they might be missing, what we see written
here in 49 is the extent of your opinions
as you sit here today on that issue?

MS. WILKINS: This has been asked
and answered.

THE WITNESS: For the same
reasons as insufficient information, I
think we covered this earlier, I
reserve the right because of the Flack

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2 production that was just recently
3 made, I have not reviewed that data in
4 its entirety so at the time of filing
5 this report, that is the extent of my
6 opinion on this because the data was
7 not produced in a way to do any
8 additional research or analysis, I
9 should say.

10 MS. LEVY: Let's take a break.
11 If you guys are amenable to go off the
12 record.

13 MS. WILKINS: Fine.

14 THE VIDEOGRAPHER: Going off the
15 record. The time is 5:55 p.m. This
16 is the end of media unit 4.

17 (Recess taken from 5:55 p.m. to
18 6:10 p.m.)

19 THE VIDEOGRAPHER: We're back on
20 the record. The time is 6:10 p.m.
21 Eastern. This is the beginning of
22 media unit 5.

23 BY MS. LEVY:

24 Q. Ms. Keller, before the break we
25 were -- and before we go on to opinion 3,

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2 I want to circle back to something we
3 talked about before the break. We had
4 talked about a category of data in the
5 Flack data that was called insufficient
6 information and that was -- and you talk
7 about that some in your report in the ways
8 we've discussed earlier; correct?

9 A. We talked about insufficient
10 information.

11 Q. You also talk in your report
12 about missingness, the concept of
13 missingness.

14 A. Where do you talk about that?

15 Q. Is that a term that you use and
16 think of and have thought about with
17 respect to these reports, missingness?

18 A. I don't see that I use that term.
19 Can you point me to my report where I use
20 that term?

21 Q. Yes. I will do that in just a
22 minute. And while we're finding that, let
23 me ask you about insufficient information.
24 The incidents that we're talking about
25 that form the basis of the Flack data,

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2 these reports of sexual misconduct and
3 sexual assault, those are reports that
4 Uber receives from a reporter; correct?

5 MS. WILKINS: Object to form.

6 THE WITNESS: The reports that
7 it -- that is in the Flack data is --
8 are representative of the reports that
9 it has received.

10 BY MS. LEVY:

11 Q. And they are self reports,
12 meaning they were reports by individuals
13 who are making them and they contain
14 whatever information they contain, nothing
15 more, nothing less. Do you agree with
16 that?

17 MS. WILKINS: Object to form.

18 THE WITNESS: So are you -- I'm
19 not quite sure what you mean by like
20 report, if that's the first report. I
21 know that I've seen in my review of
22 the Bliss and Jira data that there are
23 a number of back and forth messages,
24 communications. I think we even -- in
25 my report I show this in the driver

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2 profiles, communications with drivers
3 and the writers as part of that
4 investigation so there's a lot of
5 components to those tickets, so I'm
6 not sure what specifically you're
7 referring to.

8 BY MS. LEVY:

9 Q. So I'm not trying to be tricky.
10 When Uber receives these reports, it's
11 limited by the information that it
12 receives, it can't analyze or classify
13 information it doesn't have, do you agree
14 with that?

15 A. That Uber begins an investigation
16 when it gets those reports so it responds,
17 it contacts the driver. If there's
18 footage to review, it looks at that
19 footage, it looks at data, the GPS data
20 that it collects on the trip, it reviews a
21 number of data sources it has at its
22 disposal.

23 Q. You raise a very good point.
24 Uber could have chosen to categorize and
25 count incidents only that were

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2 corroborated or only that were
3 investigated and determined to be
4 consistent with the reporter, but it
5 didn't do that. It classified every
6 incident taking it at face value. You
7 understand that; correct?

8 MS. WILKINS: Object to form.

9 THE WITNESS: I understand that
10 Uber makes those categorizations and
11 there are many steps along the way
12 where it makes those categorizations.
13 What I'm analyzing is at the time that
14 Uber pulled this data what those
15 characterizations were and what Uber
16 deemed them to be at that point in
17 time.

18 BY MS. LEVY:

19 Q. In it Uber illustrates, provides
20 an illustration of how the numbers would
21 go down if it only counted corroborated
22 reports or it only counted reports that
23 later were deemed to be true on their
24 faces. It didn't do that though; right?
25 It included in the Flack data, provided

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2 all of the incidents whether they were
3 corroborated or not, it classified and
4 included all of those; true?

5 MS. WILKINS: Object to form.

6 THE WITNESS: So you're asking me
7 to say did Uber say -- what is the
8 question, did Uber do what they said
9 they were going to do, did they
10 produce the data that they said they
11 produced or...

12 BY MS. LEVY:

13 Q. Yeah, let's answer that question.
14 Did Uber categorize all the incidents
15 based on face value as opposed to
16 excluding incidents that were not
17 corroborated or that were later determined
18 to have conflicting responses by the other
19 party, it just includes all of them, not
20 only a portion of them; correct?

21 MS. WILKINS: Objection to the
22 compound nature of the question and
23 it's vagueness.

24 THE WITNESS: So I think what I'm
25 struggling with is the term face value

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because what the Flack data interrogatory responses is the tabulation and I can pull the rog open if you would let me here because I have it in cite Uber's words, but if I recall, it reflects two data pulls and two dates of data pulls. It reflects the data at the time of those pulls. And so it reflects how Uber categorized those, whether an investigation had happened, if they contacted the driver, they received information or if they couldn't make any contacts, it contains all of those, that information. And so I think I've answered your question. I think it's the term face value that I'm having trouble with because face value seems much more simplistic than what I know to be in the Bliss and Jira data. Now I have not independently discussed earlier because the Flack data has the dominant ticket categorization, which

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2 now corresponds to this Flack
3 production and then that will
4 correspond to the Bliss and Jira data
5 or other tickets that are part of it,
6 so that analysis I haven't had a
7 chance to do because that data was
8 just produced. So I don't know if
9 that is --

10 BY MS. LEVY:

11 Q. Let me take a specific example
12 that I think it's -- that I think will
13 make it easier. If a rider writes in or
14 calls in or makes a complaint, my driver
15 said and does not complete the sentence,
16 Uber is limited in its ability to classify
17 that by a lack of information, do you
18 agree with me?

19 MS. WILKINS: Objection to the
20 improper hypothetical.

21 THE WITNESS: So I think it's a
22 little bit more than that because if I
23 recall from the safety reports, Uber
24 classifies reports as sexual assault
25 or sexual misconduct that the reporter

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2 views as they classify them into those
3 categories if the reporter views them
4 as sexual in some nature; right? So
5 that report, if that's the initial
6 report, I've seen follow-up. So is
7 there follow-up in your hypothetical?
8 I don't know.

9 BY MS. LEVY:

10 Q. Is it your understanding, I want
11 to make sure I understand your last
12 answer. Is it your understanding that
13 Uber -- I think you said Uber categorizes
14 them based how the reporter feels about
15 it. Is that your understanding of how
16 Uber conducts the classification, trying
17 to understand how the reporter felt,
18 whether it was sexual assault or
19 misconduct?

20 A. Let me get to the safety report
21 because it's late in the day. I want to
22 make sure I have a clear recollection of
23 the safety reports here. If you want I
24 can review that, but what I'm trying to
25 say is that the first report is not always

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the last piece of information that Uber has and so the Flack data represents the data at the time that it pulled it. So for some reports that might have been the very first report but a lot of this data is from 2024. It's 2025. There's been a year for follow-up. Maybe they were able to obtain follow-up with individuals, maybe they didn't even correspond with drivers or riders, I don't know. What I'm showing in my analysis in this report because I haven't had the data to do it from the Flack data is the volumes that are in those categories.

Q. I'm asking you a much simpler question. If no one ever, no one ever, not a question of timing, but if no one provides ever the information to Uber that I was raped, Uber doesn't have that information and therefore can't classify it. Do you agree with that?

MS. WILKINS: Object to form.

THE WITNESS: So if someone doesn't say I was raped, they can't

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2 make that report, is that your
3 question?

4 BY MS. LEVY:

5 Q. Yeah, I'm trying to -- this seems
6 to be a pretty easy proposition. Uber
7 cannot classify something as one
8 particular type or the other unless it is
9 provided with information about the
10 incident. That's all I'm trying to make
11 sure that we agree on.

12 A. Well, I think it's more than that
13 because based off of the data that I've
14 seen in the driver profiles that I've put
15 together, so for the plaintiffs' trips and
16 their drivers, as well as from the
17 attachments, the sampling attachments,
18 there's data that Uber doesn't just
19 receive that's part of its investigation.
20 And I think that's where I'm getting hung
21 up is there's GPS data, there's the
22 Voyager system, there's lots of datasets
23 that Uber is looking, did you get dropped
24 off near your house, were you at the right
25 pickup location, how much time elapsed,

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2 did the driver go off line after the trip,
3 these are all things Uber uses in an
4 investigation. So that's what -- there's
5 a lot of data that Uber has and so the
6 report is one piece of that when they are
7 doing their investigations from what I've
8 seen from those attachments.

9 Q. If Uber receives a report that
10 contains insufficient information, in your
11 view how should it categorize that?

12 MS. WILKINS: Object to form.

13 THE WITNESS: I'm not offering
14 that opinion on how it should
15 categorize it. I'm offering the
16 opinion that incidents are categorized
17 by Uber in that category and this
18 paragraph where we were earlier today
19 isn't the total of those incidents in
20 that category, both in insufficient
21 information and parent category use
22 tracking.

23 (Exhibit 10, Appendix A, marked
24 for identification.)

25 ///

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2 BY MS. LEVY:

3 Q. If we turn to Appendix A, I'm
4 going to move back to this in here,
5 Appendix A of your report which we had
6 marked previously as tab -- or Exhibit
7 5 -- I'm sorry, tab 5, I don't think we
8 used it yet today so I failed to pull up
9 tab 5. Appendix A is your -- is described
10 by you as your methodology?

11 A. Yes.

12 Q. That includes data validation,
13 includes what data you received and how --
14 what you have done as part of your
15 methodology in this case; is that fair?

16 A. Yes, to process the data, the
17 steps that I took, et cetera.

18 Q. And for paragraph 41 on Exhibit
19 10, which is your methodology, it's on
20 page 15 of the document?

21 A. Yes.

22 Q. And that's where I got the phrase
23 missingness and no value, what I
24 understand that to be from paragraph 41 is
25 just where there was data missing, where

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2 the data did not exist. Is that right or
3 is there something different about
4 missingness that you meant to capture
5 here?

6 A. So this is about the -- it's
7 defined as the SA/SM incident data. Today
8 I've been referring to that as the Bliss
9 and Jira data. This is my identification
10 of the various pieces of information that
11 are missing or incomplete in those
12 datasets but on the next page, on page 17,
13 I talk about the Flack data and that there
14 are fields in the Flack data that were not
15 produced at the time that I filed this
16 report that potentially may provide
17 insight to some of these missing field in
18 the Bliss and Jira data.

19 Q. Okay, and that is not an analysis
20 you've yet done; correct?

21 A. Because the data, the Flack data
22 was just produced and reproduced within
23 the most recent few days.

24 Q. Back to tab 1, Exhibit 1, your
25 report and opinion 3, we've talked earlier

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2 today about precursors to sexual assault
3 and sexual misconduct incidents. You
4 agree with me that a trip that has what
5 you're referring to here as a precursor
6 does not necessarily mean that a sexual
7 misconduct incident is going to take
8 place; right?

9 MS. WILKINS: This has been asked
10 and answered a number of times.

11 THE WITNESS: So the precursors
12 are data points that Uber has
13 identified itself and also many of
14 which it's included in its S-RAD
15 algorithm that are potential
16 indicators of sexual assault on a trip
17 and so --

18 BY MS. LEVY:

19 Q. Excuse me, I thought you were
20 finished. Keep going.

21 A. Go ahead.

22 Q. Even if one or more indicators
23 are present, that doesn't mean an incident
24 of sexual misconduct is going to take
25 place; right?

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2 A. Those indicators, Uber developed
3 the S-RAD model, for example, off of
4 previous trip data and trained it off of
5 incidents where sexual assaults did occur
6 and so it created that machine-learning
7 algorithm off those incidents. So in some
8 cases incidents did occur that had those
9 inputs and in other cases it didn't. That
10 was part of the training methodology.

11 Q. You agree with me that just
12 because there's a pickup near a bar, that
13 doesn't mean a sexual assault is going to
14 occur, certainly you agree with that?

15 A. I have the opinion that Uber
16 knows that to be an indicator of a
17 potential sexual assault in both its
18 internal documents and also as an input to
19 its S-RAD score which scores the riskiness
20 of the trip.

21 Q. You understand that S-RAD is a
22 tool that Uber has developed to try to use
23 its safety data to reduce the number of
24 sexual misconduct, sexual assault on its
25 platform, that's the purpose of S-RAD;

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2 correct?

3 A. I think I say a similar thing in
4 my report.

5 Q. These incidents, you've
6 quantified the numbers here but you read
7 the depositions of the data scientists and
8 the tech developers who developed these
9 products, you read those depositions as
10 parts of your work in this case and
11 reflected in Appendix G; correct?

12 A. Yes.

13 Q. You read Frank Chang's
14 deposition, you read Sunny Wong's
15 deposition?

16 A. Yes.

17 Q. You understand that S-RAD, the
18 point of S-RAD is to take -- to study
19 events that are very, very, very rare on
20 the Uber platform and make them even more
21 rare, that's what they are trying to do
22 with S-RAD?

23 MS. WILKINS: Object to form.

24 BY MS. LEVY:

25 Q. Do you agree with that?

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2 A. So I characterize the S-RAD
3 program the way Uber did in those
4 documents which is it's developing S-RAD
5 as a way to, quote, prevent sexual
6 assaults.

7 Q. When matches are rated as higher
8 risk in S-RAD, that can still be
9 extraordinarily rare, less likely than
10 being hit by lightning; true?

11 MS. WILKINS: Object to form.

12 THE WITNESS: You're saying when
13 matches are above -- say that one more
14 time. I got distracted.

15 BY MS. LEVY:

16 Q. What is a risky ride in your
17 Lacey Keller opinion?

18 A. I don't have that opinion. Uber
19 determines what it determines to be a
20 risky ride because it exceeds a threshold
21 it sets and that threshold is only on the
22 whole [REDACTED] of trips it has viewed
23 and scored to be more risky. It has
24 scored every single supply plan and how
25 many nights are coming up. You've got

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2 everybody out, they are taking trips home
3 on that night, they score every single
4 plan, but Uber only intervenes in that
5 matching for a small percentage,
6 [REDACTED] of trips on the whole.

7 Q. And you don't have any opinion on
8 what a better percentage would be, that's
9 not what you've done in preparation of
10 this report?

11 A. Uber itself has calculated
12 percentages, what percentage of sexual
13 assaults it could accurately predict I
14 think is the word from their document. I
15 don't want to mischaracterize those but it
16 has a chart and this was used in Wong's
17 deposition, he brought this as part of his
18 binder, if I recall, a chart that showed
19 if that threshold was -- that trigger
20 rate, that percentage was -- if S-RAD was
21 applied to more trips it would be applied
22 to more sexual assaults or correctly
23 predict more sexual assaults. And so I'm
24 not offering that opinion independently.
25 I'm offering it based off of what Uber's

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2 own documents showed.

3 Q. What you know about S-RAD you've
4 only learned from Uber's own documents and
5 its own witnesses, you haven't done any
6 independent analysis or study or modeling
7 of the S-RAD algorithm; is that true?

8 MS. WILKINS: Object to form,
9 lacks foundation and assumes facts not
10 in evidence.

11 THE WITNESS: Uber has not
12 produced the inputs necessary to do
13 that analysis, nor has it produced all
14 supply plans that even for the
15 plaintiffs' trips because it says it
16 deletes those. So that data was not
17 produced and so that analysis I would
18 love to do some type of analysis but I
19 can't because that data has not been
20 produced.

21 BY MS. LEVY:

22 Q. How frequently does sexual
23 misconduct in terms of one out of blank
24 rides occur on this Uber platform as a big
25 picture globally, based on all the data

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2 you've looked at?

3 A. What is that like? I think we've
4 already covered those images in my report.

5 Q. It occurs in what percentage of
6 the rides?

7 A. I've only shown the numbers in
8 the per 100 million so -- go ahead.

9 Q. Can you agree with me that sexual
10 misconduct is rare on the Uber platform?

11 MS. WILKINS: Object to form.

12 THE WITNESS: If you have a
13 percentage, I would be happy to verify
14 that math but rare is kind of a
15 judgment term on those percentages so
16 if you want to do some math together,
17 I'm happy to do that.

18 BY MS. LEVY:

19 Q. You don't -- do you have -- what
20 is your definition of rare, do you have
21 one? Have you looked at that in the
22 context of sexual assault and sexual
23 misconduct?

24 MS. WILKINS: Object to form,
25 object to the compound nature of the

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2 question and object to the extent that
3 it's outside of the scope of the
4 opinions that Ms. Keller offers in her
5 report.

6 BY MS. LEVY:

7 Q. You have not compared the rate of
8 sexual misconduct on Uber to other
9 platforms so you will not be offering any
10 opinions about whether sexual assault and
11 sexual misconduct happens more frequently
12 on the Uber platform compared to other
13 places, we've established that; correct?

14 MS. WILKINS: Object to this
15 having been asked and answered at
16 least 10 times in this deposition.

17 THE WITNESS: It's the same -- go
18 ahead, I'm sorry.

19 BY MS. LEVY:

20 Q. I just said am I correct?

21 A. It's the same answer that I
22 provided before. I did not need to do
23 that analysis to show what I was intending
24 to show which is the volume of reports
25 that Uber had in its own data, what it did

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2 with those reports, how it analyzed them
3 internally and compared it to what it
4 disclosed to the public.

5 Q. When you use the term high risk
6 on page 35 in subheading A, high risk for
7 sexual assault and misconduct, you have
8 that in quotes because you're quoting from
9 an Uber document; correct?

10 A. That's correct.

11 Q. And you, Lacey Keller, do not
12 have an opinion as to what is high risk or
13 not high risk, you're simply parroting
14 information you found in the Uber
15 documents; is that right?

16 MS. WILKINS: Object to form.

17 THE WITNESS: I am using the term
18 that Uber uses in those documents when
19 describing data inputs. I would have
20 loved to study the data inputs
21 independent of these documents but
22 Uber did not produce data on the
23 gender of the driver and rider, for
24 example, for every safety incident,
25 nor did they produce the proximity to

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2 a bar for every incident, so that
3 analysis would not be possible with
4 the data that was produced at the time
5 of filing my report.

6 BY MS. LEVY:

7 Q. And is it your understanding that
8 S-RAD acts for gender of driver, rider or
9 both?

10 MS. WILKINS: This has already
11 been asked and answered so I object on
12 that account.

13 THE WITNESS: So I have a
14 timeline in my report of all the
15 inputs in S-RAD. I know that they
16 have changed over time. I would need
17 to conduct that timeline or the
18 current global features or U.S.
19 features inputs from the Wong
20 deposition to note the specifics, but
21 I know at some point in time rider and
22 driver gender were included. How that
23 has been included in the model in its
24 current form, I would need those
25 sources. So if you have them, I would

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2 be happy to look at them but I know
3 that I address that in my report in
4 Appendix F.

5 BY MS. LEVY:

6 Q. S-RAD in the U.S., in the United
7 States has always been gender agnostic.
8 You're aware of that; right?

9 A. I don't know how you're defining
10 the U.S. global model. I have this
11 timeline in my report that looks at the
12 different inputs to the S-RAD model over
13 time that was considered by Uber and I
14 know at one point in time gender was
15 included in a version of the model, if not
16 multiple versions of the model.

17 Q. As you're sitting here today, can
18 you tell us whether it is your
19 understanding that S-RAD in the United
20 States has always been gender agnostic?
21 Do you agree or disagree without looking
22 at more information?

23 MS. WILKINS: Objection, asked
24 and answered. She just answered it
25 and your question is misstating her

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2 testimony. If you would like her to
3 look at her documents she had offered
4 to do that.

5 BY MS. LEVY:

6 Q. I want you to quickly tell me if
7 S-RAD has ever considered gender in the
8 United States, that's all I want to know.

9 MS. WILKINS: Same objection.

10 THE WITNESS: This is not meant
11 to be a memory test. I have produced
12 an entire appendix dedicated to the
13 features of S-RAD and I'm happy to
14 consult that.

15 BY MS. LEVY:

16 Q. I agree with you it's not meant
17 to be a memory test. If you don't
18 remember and can't tell me without looking
19 in your report, that's fine. That's all I
20 want to know. I don't remember sitting
21 here is a fine answer.

22 MS. WILKINS: You are misstating
23 her testimony. She has told you what
24 she remembers.

25 ///

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2 BY MS. LEVY:

3 Q. So you agree, I believe, that
4 based on what your testimony is earlier,
5 that Uber's attempt to use data to attack
6 the sexual assault and sexual misconduct
7 problem, you agree that that's a good
8 thing for Uber to do; correct?

9 MS. WILKINS: Object to form.

10 THE WITNESS: I think we've
11 answered or I've answered a number of
12 questions about these judgment type
13 calls. I'm answering what the Uber is
14 doing with the vast amount of data it
15 collects, the GPS data as to whether
16 or not your phone's got low battery,
17 how it uses that information. I offer
18 those opinions in my report. I let
19 the court decide what it will do with
20 that information.

21 BY MS. LEVY:

22 Q. You understand that when
23 individuals working on S-RAD use the term
24 risk or high risk with respect to S-RAD,
25 that's specific to the S-RAD context, you

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2 understand that? Like something that's
3 high risk in the S-RAD model does not
4 equate to high risk in absolute terms, it
5 doesn't mean that the ride is a high risk
6 to the rider, you agree with that, don't
7 you?

8 MS. WILKINS: Object to form.

9 THE WITNESS: So S-RAD is a
10 program that Uber has created to
11 prevent sexual assaults. And in that
12 program it scores trips according to
13 the risk that its machine algorithm
14 has calculated about that trip for
15 sexual assault.

16 BY MS. LEVY:

17 Q. And you understand, do you not,
18 that even pairings that are scored as
19 having high risk cannot predict whether a
20 sexual assault will actually occur on an
21 individual trip, you understand that,
22 don't you?

23 MS. WILKINS: Object, asked and
24 answered.

25 THE WITNESS: Uber trained this

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model and continues to train this model because it [REDACTED] of the trips that it is running the model on. It trains the model on real world incidents, whether a sexual assault did occur or a sexual misconduct incident did occur or whether it didn't occur. They trained it on all of that data. And on top of that its documents talk about incidents that were above the threshold that were dispatched by the program that slipped through and ultimately resulted in a sexual assault and I -- or a sexual misconduct report. And I record those volumes in my report as well.

BY MS. LEVY:

Q. When Uber uses the term high risk with respect to S-RAD, it doesn't mean that it is more likely than not that a pairing is going to result in a sexual assault, that's not what it means, can we agree on at least that?

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A. So the S-RAD score, which is what it creates for every single rider driver pairing, and I'm reading this directly from my report, is it -- a computed numerical score between [REDACTED] [REDACTED] for each potential driver/rider pairing, and that's the risk of a sexual assault occurring on that trip.

Q. And you understand from the testimony you've read on the data and the S-RAD model that even pairings with a higher S-RAD score are very likely to result in sexual misconduct in actuality?

MS. WILKINS: Object to form.

THE WITNESS: So I'm aware, and this is from paragraph 70 in my report, that from 2021, September 2021 through April 30 of 2022, [REDACTED]

[REDACTED] And just for context during that same time period,

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2 there were -- I'm sorry, in addition
3 between July 1, 2022 and December 31,
4 2022, [REDACTED]

5 [REDACTED]

6 [REDACTED] So these are plans that
7 Uber knew were above the threshold,
8 that the S-RAD program identified were
9 above the threshold and remember the
10 threshold is just [REDACTED] of
11 trips and it was above those
12 thresholds and they still slipped
13 through and an incident occurred.

14 BY MS. LEVY:

15 Q. And no model can predict human
16 behavior with precision; correct?

17 MS. WILKINS: Object to the
18 questioning, outside the scope that
19 Ms. Keller's opinions offered in her
20 report and this litigation.

21 BY MS. LEVY:

22 Q. Let me clarify the question.

23 No model that you've ever seen or
24 heard of can predict whether someone's
25 going to assault somebody else with

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2 accuracy, that's not possible to do in
3 your knowledge and experience, is it?

4 MS. WILKINS: Same objections,
5 outside the scope.

6 THE WITNESS: So when -- if we're
7 talking generally, when one builds a
8 model, a machine-learning algorithm,
9 you develop a confusion matrix which
10 is the term that I'm attributing to
11 it. It sounds like kind of a crazy
12 term but confusion matrix is what it's
13 called to identify the true positives,
14 the false negatives, the true
15 negatives, et cetera. It's how you
16 identify the accuracy of your model.

17 BY MS. LEVY:

18 Q. So, for example, one of the
19 metrics that S-RAD considers is pickups
20 near bars; correct?

21 A. Specifically I think the
22 proximity to the bars or the number of
23 bars within 50 meters, it's changed a few
24 times but I think it's the proximity
25 within 50 meters or something like that.

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2 There's like a geo fence that they apply
3 around the pickup that they review.

4 Q. And we can agree that not every
5 pickup within 50 meters of of a bar is
6 going to result in sexual misconduct,
7 that's common sense; correct?

8 MS. WILKINS: Object to form.

9 THE WITNESS: It's -- Uber knows
10 that pickups near a bar are more
11 likely to result in a sexual assault.

12 BY MS. LEVY:

13 Q. That wasn't my question. Not
14 every pickup near a bar is going to result
15 in a sexual misconduct incident, correct,
16 that is a matter of common sense?

17 A. But Uber knows that it's more
18 likely to happen which is why it's both in
19 the documents that I cite and in the S-RAD
20 model.

21 Q. And that's why it's studying it
22 and trying to analyze things like pickups
23 near a bar that it can use to combat those
24 incidents; right?

25 MS. WILKINS: Object to form.

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2 THE WITNESS: Uber has built the
3 S-RAD model using proximity to a bar
4 as one of the inputs.

5 BY MS. LEVY:

6 Q. And that's a good thing?

7 MS. WILKINS: Object to form.

8 THE WITNESS: It is a thing that
9 Uber does. Whether it's good or bad I
10 leave that value judgment to the
11 court.

12 BY MS. LEVY:

13 Q. And just because someone gets
14 picked up within 50 meters of a bar
15 doesn't mean they've been to the bar, does
16 it?

17 MS. WILKINS: Object, outside the
18 scope.

19 THE WITNESS: Proximity to a bar
20 is one of the inputs to the S-RAD
21 model. Intoxication which I think is
22 a different input that you're talking
23 about is yet another input that Uber
24 knows to be a precursor or risk factor
25 in sexual assault.

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2 BY MS. LEVY:

3 Q. And the proximity to a bar input
4 is going to trigger very differently
5 depending on what geography you're in in
6 the United States; right?

7 MS. WILKINS: Object to form.

8 THE WITNESS: I don't know what
9 geo fence that Uber puts in. I know
10 this was discussed at the Wong
11 deposition. I know exactly what tab I
12 would like to consult to refresh my
13 memory because the tab discloses the
14 distance that they consider. So
15 without consulting that I wouldn't be
16 able to say one way or the other.

17 BY MS. LEVY:

18 Q. You would assume as a matter of
19 common sense that more pickups in
20 New York City would be within 50 meters of
21 a bar than a rural place in North Dakota,
22 for example?

23 MS. WILKINS: Object to form,
24 improper hypothetical.

25 THE WITNESS: The S-RAD program

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2 is also scored and the thresholds are
3 set in each city which would normalize
4 such discrepancies such as that and I
5 think that's discussed at length in
6 the Wong deposition.

7 BY MS. LEVY:

8 Q. And you don't have any dispute or
9 quibble with Uber for normalizing the
10 thresholds by city, that's not a problem
11 with S-RAD in your view, is it?

12 MS. WILKINS: Object to form.

13 THE WITNESS: I'm describing why
14 we see different thresholds for the
15 plaintiffs, that's the only dataset
16 that we have on -- the only S-RAD data
17 we have from Uber that was produced in
18 this litigation from Uber about S-RAD.
19 And so from those datasets, we are
20 able to see, I'm able to see that
21 there are different thresholds in
22 different cities and because there are
23 different dates and times, that is
24 opinions that I do offer.

25 ///

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2 BY MS. LEVY:

3 Q. When you calculated dates and
4 times, I think you mention in paragraph 28
5 of your methodology, Appendix A that you
6 added some categories for times. Do you
7 know what I'm referring to there?

8 I'm looking at some in Appendix A
9 which I think we marked as Exhibit --
10 there we go. Paragraph 28 you said I've
11 added five fields to the driver trip data.
12 Are you with me?

13 A. Sorry, just one second.

14 Yes.

15 Q. Okay. And in 28.5 when you're
16 discussing daytime category, you have
17 subcategories 1 through 4 of weekend late
18 night hours, weekday late night hours,
19 weekend non-late night hours and weekday
20 non-late night hours. Where did you come
21 up with these definitions, did you use
22 them from Uber or did you create these
23 yourself?

24 A. That's cited in footnote 55.
25 Those are Uber's definitions as late night

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2 as it pertains to the S-RAD program.

3 Q. And for the weekend hours,
4 non-late night hours, you've used the same
5 definition that Uber uses as set forth in
6 Sunny Wong's deposition?

7 A. Correct.

8 Q. And that includes Monday,
9 Tuesday, Wednesday, Thursday from 12 a.m.
10 to 4:59 a.m. for weekday late night hours
11 and Monday through Thursday, 5 a.m.
12 through 11:59 a.m. for weekday non-late
13 night hours; correct?

14 A. Sorry, you talked so fast and I
15 was trying to follow along. The
16 definitions that I use are defined in
17 paragraphs 28.5.1 through 28.5.4.

18 Q. And you don't impose any
19 different definitions or have any problems
20 with the way that Uber's S-RAD model
21 categorizes the time; is that correct?

22 MS. WILKINS: Object to form.

23 THE WITNESS: I'm using the
24 categorization that Uber uses.

25 ///

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2 BY MS. LEVY:

3 Q. And same with the inputs in the
4 metrics to the model. You have not
5 proposed or generated or modeled your own
6 alternative metrics; is that true?

7 MS. WILKINS: Objection, form,
8 asked and answered.

9 BY MS. LEVY:

10 Q. Do you need me to restate the
11 question?

12 A. I'm just reviewing a piece of my
13 report. I apologize. I may need a
14 refresh on the question, too, but one
15 second. Can you please -- please state
16 the question?

17 Q. You haven't done any data or
18 analysis to suggest that the inputs that
19 Uber uses to S-RAD shouldn't be used in
20 S-RAD, that's not an opinion you're
21 offering in this case; right?

22 A. My Appendix F which I've
23 referenced a number of times -- let me
24 make sure it's Appendix F so I'm not
25 confusing. Appendix F discusses the

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2 opinions that I found in Uber's documents
3 that it considered as part of the program
4 over time. I have -- I don't say whether
5 those inputs are good or bad, I just
6 describe Uber's process based off of the
7 data I've seen.

8 Q. Are you going to offer any
9 opinions in this case that Uber should
10 have changed its inputs or used different
11 inputs, that is not part of your opinions
12 in this case?

13 MS. WILKINS: Object to form and
14 object to the extent it misstates her
15 prior testimony.

16 THE WITNESS: I offer opinions
17 what could have been used by Uber or
18 at least could have been done by Uber,
19 whether it's through reporting or
20 setting the trigger rate at a
21 different threshold but I don't offer
22 the opinion that Uber should have done
23 that.

24 BY MS. LEVY:

25 Q. And you haven't yourself come up

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2 with an alternative better way to set up
3 S-RAD, that's again you're stopping short
4 of your opinions of just showing what the
5 data shows but not building an alternative
6 yourself or suggesting alternatives
7 yourself, am I right about that?

8 MS. WILKINS: Object to form,
9 object as asked and answered and
10 object to the extent it
11 mischaracterizes the prior testimony.

12 THE WITNESS: Uber has not
13 produced data that would be -- that
14 would even allow me to do such an
15 analysis so I would be prohibited from
16 doing that analysis.

17 BY MS. LEVY:

18 Q. You don't intend to offer an
19 opinion that Uber should not have had a
20 holdout group for S-RAD, that's not part
21 of your opinion in this case that Uber
22 should not have done that?

23 MS. WILKINS: Object to form.

24 THE WITNESS: I offer the opinion
25 that Uber does do that and has done

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2 that. The extent to my opinion is
3 encapsulated in my report.

4 BY MS. LEVY:

5 Q. Okay, we see that in paragraph
6 62.9, Uber [REDACTED] of all
7 potential driver/rider pairings as a
8 control group to study the effectiveness
9 of SA/SM on an ongoing basis. Is that
10 what you're talking about?

11 A. Yes.

12 Q. Okay. And you're not going to
13 offer an opinion that Uber should not do
14 that and should not continue to study the
15 effectiveness of SA/SM on an ongoing basis
16 that's beyond what you plan to offer in
17 this case; true?

18 MS. WILKINS: Object to form.

19 THE WITNESS: The opinions that I
20 have on that are currently in my
21 report.

22 BY MS. LEVY:

23 Q. And you quote in 64, paragraph 64
24 of your report a quote from Sunny Jeon
25 saying that S-RAD may represent Uber's

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2 most effective intervention for preventing
3 sexual assault.

4 Do you see that quote?

5 A. Yes.

6 Q. Are you suggesting that that's
7 not true?

8 A. I'm not saying it's true or not
9 true. I'm saying what Uber said about its
10 own program, just like I said that -- just
11 like I quoted that it would be used to
12 prevent sexual assaults, this is how Uber
13 characterizes its own program.

14 Q. You note several places in your
15 report that Uber began developing S-RAD in
16 2017 and deployed it in 2022; right? You
17 note that in your report.

18 A. Yes.

19 Q. I do not see anywhere in your
20 report any opinion that Uber could have or
21 should have deployed S-RAD earlier. You
22 are not offering the opinion in this case
23 that Uber could have or should have
24 deployed S-RAD earlier than it did, am I
25 right?

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2 MS. WILKINS: Objection to the
3 extent it mischaracterizes what is in
4 Ms. Keller's report.

5 THE WITNESS: I'm offering the
6 opinion that Uber began development in
7 2017 and spent several years
8 developing the program and I timeline
9 that to some extent in my report, and
10 then Appendix F chronicles all of the
11 inputs that were along that -- along
12 that journey for Uber as they were
13 testing and deploying the model in
14 various cities around the United
15 States. And so I don't offer the
16 opinion that Uber should have done
17 that earlier. I offer the opinion
18 that Uber was testing that program in
19 numerous cities, whether it was in
20 shadow mode or in full semi rollout
21 throughout that time period.

22 BY MS. LEVY:

23 Q. And just to make sure I'm
24 understanding you, you don't intend to
25 offer any opinion that it should have

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2 rolled it out in any different way than it
3 did?

4 MS. WILKINS: Object to form.

5 THE WITNESS: I offer the opinion
6 on what they were doing when they were
7 doing those things and in what cities
8 they were rolling out the program and
9 in what ways. I don't offer an
10 opinion on what they should have done
11 differently but I do chronicle that
12 timeline in my report.

13 BY MS. LEVY:

14 Q. Paragraph 66 of your report on
15 page 45 under heading C, heading C states
16 S-RAD dispatches some trips above the
17 flagging threshold. Are you with me?

18 A. Yes.

19 Q. And you do not -- the opinions
20 you intend to offer about S-RAD's
21 dispatching trips above the flagging
22 threshold are contained in the following
23 paragraphs of your report in 76 through
24 71; correct? Sorry, through 73.

25 MS. WILKINS: Object to form.

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2 THE WITNESS: So that section,
3 those are all the paragraphs within
4 that heading for that section. Those
5 paragraphs as well as the images
6 within those paragraphs are my
7 opinions that support that statement.

8 BY MS. LEVY:

9 Q. And you're not offering the
10 opinion that Uber should never dispatch
11 trips above a flagging threshold, you're
12 not offering that opinion in this case?

13 A. I'm offering the opinion that
14 [REDACTED]
15 [REDACTED] and hasn't but I'm not offering
16 the opinion that they should [REDACTED]
17 I'm offering the opinion that that's how
18 the model works, that they [REDACTED]

19 [REDACTED]

20 Q. And you have not analyzed
21 flagging thresholds in any particular
22 jurisdiction or across the United States
23 and done any study of whether dispatching
24 trips above the flagging threshold puts
25 riders who call for an Uber in more danger

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2 or less danger than if Uber did not
3 dispatch trips above a flagging threshold,
4 that's not part of your analysis in this
5 case; right?

6 MS. WILKINS: Object to form.

7 THE WITNESS: I do have the
8 opinion because I am limited by the
9 data that Uber has produced to the
10 totals that I have seen in documents.
11 And what I have obtained through
12 documents is that there are incidents
13 that have occurred that Uber calls
14 them a [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED] or --
18 Jesus.

19 MS. WILKINS: Sorry guys, we just
20 had a huge unexpected thunder boom.

21 MS. LEVY: Is everything okay?

22 THE WITNESS: Yeah, it was
23 extremely loud. It's like really
24 strange weather.

25 ///

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2 BY MS. LEVY:

3 Q. You're also aware, are you not,
4 Ms. Keller, that [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 A. I'm aware that there are I think
8 [REDACTED]. I have asked
9 for that data but it has not been produced
10 so that I can determine how many of those
11 do result in a sexual assault or
12 misconduct report.

13 Q. And again, you know there are not
14 [REDACTED] of sexual misconduct;
15 right?

16 A. We know that there are the
17 reports that Uber has produced in this
18 litigation.

19 Q. And I think I'm clear on where
20 you're drawing the lines here. But if the
21 judge or the jury wanted to understand
22 what should Uber do with flagged trips
23 above a threshold, should Uber just never
24 send drivers or should it send drivers and
25 would that be better or worse for what

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2 would ultimately happen to people who call
3 those trips, you would need a lot more
4 data than you have or than you looked at
5 to understand and answer that question;
6 right?

7 MS. WILKINS: Object to form.

8 THE WITNESS: So I think that's a
9 pretty multipart question. Do you
10 want to ask me something specific?

11 BY MS. LEVY:

12 Q. You don't understand the way I
13 ask it?

14 A. No, because it's -- should it
15 consider data, should it be better --

16 Q. Fair point. Let me ask you this.
17 A trip above a flagging threshold you
18 agree doesn't necessarily mean that
19 anything bad is going to happen, agree?
20 It might or it might not?

21 A. I disagree. There are incidents
22 that I show in my report that have
23 resulted in a sexual assault or sexual
24 misconduct and I highlight those from the
25 documents that I've reviewed. I would

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2 love to do the analysis of the safety data
3 but Uber has not produced the data that
4 would allow me to do that.

5 Q. And again, you don't know what
6 alternatives to taking an Uber ride under
7 any particular circumstances would be for
8 a rider calling a driver, and you would
9 need to know that to compare the risk of
10 an Uber trip to the risk of a rider's
11 alternatives, wouldn't you?

12 MS. WILKINS: Object to form, and
13 object that it's outside the scope of
14 Ms. Keller's opinions in this case.

15 THE WITNESS: So if I wanted to
16 do an analysis of the risk -- I just
17 don't understand your question. What
18 if I wanted to run my own version of
19 S-RAD, are you asking if I wanted to
20 compare the risk factors like you were
21 talking about earlier? I'm a little
22 confused of what type of study I would
23 hypothetically be running here.

24 BY MS. LEVY:

25 Q. If you were trying to analyze

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2 whether a rider would be safer taking Uber
3 with a particular S-RAD score or doing
4 something different, you would need to
5 know a lot about what that rider's
6 alternatives were, wouldn't you?

7 A. Well, first I would need to know
8 the data that's in Uber's own S-RAD score
9 and Uber has refused to produce that data
10 and says it deletes that data.

11 Q. You can't form any opinion about
12 the relative safety of a mode of
13 transportation, you can't compare the
14 relative safety of Uber versus any other
15 mode of transportation because you don't
16 have that data, can we agree on that?

17 MS. WILKINS: Object to form.

18 THE WITNESS: I'm saying I can't
19 even compare the relative risk of the
20 supply plans on the Uber platform
21 because Uber has refused to produce
22 that data.

23 BY MS. LEVY:

24 Q. And even when S-RAD scores are
25 elevated or high risk, the incidents of

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2 sexual misconduct are still very rare,
3 they happen infrequently, even with
4 elevated S-RAD scores, you understand that
5 from the review you've done in this case;
6 correct?

7 MS. WILKINS: Object to form,
8 object that this has been asked and
9 answered.

10 THE WITNESS: So I'm aware of
11 incidents and I discuss them only
12 because I found them in documents, not
13 because Uber has produced data, that
14 allows me to do this analysis that
15 have resulted in sexual assaults and
16 sexual misconducts that have occurred
17 because after the fact, after Uber has
18 allowed that trip to dispatch knowing
19 that it had a risk support above its
20 threshold.

21 BY MS. LEVY:

22 Q. And how often did that happen,
23 how often do above threshold flags result
24 in sexual assault and misconduct, one out
25 of how many trips?

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2 A. I would love to do that analysis.
3 Uber has refused to produce that data that
4 would allow me to do that.

5 Q. Now looking at paragraph 76 of
6 your report where you talk about S-RAD
7 scores for other plaintiffs, are you with
8 me, table 3?

9 A. Yes.

10 Q. There you list the S-RAD score in
11 the first row of data under the heading
12 for the trips for the four plaintiffs
13 listed in the chart; correct?

14 A. So the first row shows the S-RAD
15 score that Uber gave to those trips for
16 those four individuals.

17 Q. There's no -- well, you do not
18 intend to offer any opinion about the
19 S-RAD score for these particular drivers
20 other than that which is contained in
21 paragraph 76 and Appendix D; correct?

22 MS. WILKINS: Object to form,
23 object to the mischaracterization of
24 Ms. Keller's report.

25 THE WITNESS: The opinions that I

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2 can offer about the drivers and the
3 plaintiffs' trips are included in this
4 paragraph and in Appendix D. I am --
5 because Uber has not produced the
6 supply plan data or all of the driver
7 star rating data or the number of
8 trips that are near a bar, anything
9 like that, I am unable to produce or
10 to put into context these trips and
11 the information contained within the
12 S-RAD scores.

13 BY MS. LEVY:

14 Q. You don't -- you have not
15 calculated an S-RAD score that you believe
16 Uber should not dispatch rides above,
17 that's not what you've done in this case
18 and not an opinion you intend to offer?

19 A. I have asked for all the
20 thresholds that Uber has maintained
21 nationwide and continues to maintain.
22 Those have not been produced in this
23 litigation so what I am left with is the
24 information that's in this chart.

25 Q. And is it your opinion that Uber

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2 should not pick up -- should not have
3 drivers allow -- let me strike that and
4 say this in a better way.

5 Is it your opinion that Uber's
6 platform should not allow drivers to pick
7 up riders within 50 meters of a bar?

8 A. It's my opinion Uber knows that
9 to be a risk factor because it includes
10 that in its S-RAD scoring. It is my
11 opinion that Uber sometimes dispatches
12 those trips despite knowing that that trip
13 is above a threshold that it has set to
14 only apply to less than about [REDACTED]
15 of data on average, just to name a few
16 opinions from my report.

17 Q. And you don't intend to tell the
18 jury or the court that Uber should not
19 dispatch rides or allow pairings when the
20 pickup is near a bar, that is beyond what
21 the opinions are that you're offering in
22 the case, that Uber should not do that?

23 MS. WILKINS: (Inaudible).

24 THE WITNESS: I offer the opinion
25 that sometimes they do, whether it's a

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2 [REDACTED] or whether it's one of
3 these plaintiffs' trips where they
4 were near bars. Those trips were
5 dispatched.

6 BY MS. LEVY:

7 Q. And you're not offering the
8 opinion that by doing a dispatch that is
9 near a bar, Uber is making the rider less
10 safe than the rider would have been in
11 other circumstances, that's not an
12 analysis you have done or an opinion
13 you're going to offer?

14 MS. WILKINS: Object to form,
15 object to the misstatement of the
16 prior testimony.

17 THE WITNESS: I offer the opinion
18 that Uber did know that these were
19 indicators of risk for a ride and I
20 offer the opinion that Uber did not
21 disclose such indicators as proximity
22 to a bar or the rate of incidents when
23 the pickup was near a bar in its
24 safety reports, to name a few
25 examples.

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2 BY MS. LEVY:

3 Q. And is that -- you are not
4 offering again in this area of allowing
5 dispatches, you're not offering opinions
6 what Uber should have done, other
7 thresholds it should have used or whether
8 the provision of rides put the rider in a
9 safer or less safe situation, that's all
10 beyond the scope of what you're going to
11 testify in this case; right?

12 MS. WILKINS: Object to the
13 compound nature of the question,
14 object that this has been asked and
15 answered.

16 THE WITNESS: So I offer -- I
17 kind of lost track of your list there.
18 I offer the opinion that that there is
19 information that Uber knows about the
20 risk of a trip through its own
21 internal analyses or from its scoring
22 of the -- through the S-RAD program.
23 I offer the opinion that it doesn't
24 tell the public about those factors
25 and whether or not that would make

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2 someone safer or less safe, I leave
3 that open to interpretation but I am
4 discussing the pieces of information
5 and the lack of disclosure around that
6 information.

7 BY MS. LEVY:

8 Q. Have you done any analysis or
9 comparison of what Uber does and doesn't
10 disclose to the public with other forms of
11 public transportation, that's beyond the
12 scope of what you've done; right?

13 MS. WILKINS: Object, asked and
14 answered many, many, many, many times
15 today.

16 THE WITNESS: So does Uber
17 disclose in its safety reports its
18 relative risk? I don't understand the
19 question.

20 BY MS. LEVY:

21 Q. Does Uber disclose more or less
22 information about sexual assault on its
23 platform than taxi companies disclose?

24 MS. WILKINS: Same objection.

25 THE WITNESS: That is not an

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2 analysis that I needed to do to
3 understand what Uber was saying about
4 its own platform as compared to what
5 it knew internally about the number of
6 reports occurring on the platform and
7 how it was using that data.

8 BY MS. LEVY:

9 Q. And the same -- you're not
10 offering any opinions about Uber's duty or
11 requirements or regulations about
12 disclosure obligations, that's beyond the
13 scope of opinions you intend to offer in
14 this case; right?

15 MS. WILKINS: Asked and answered.

16 THE WITNESS: The same answer
17 that I've given throughout the
18 deposition today, I am offering
19 opinions on what Uber knew internally,
20 what they did with that data and what
21 they told the public.

22 BY MS. LEVY:

23 Q. Looking at table 76, you have
24 listed S-RAD scores and select feature
25 values for individual plaintiff trips. On

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2 the S-RAD score, you are offering no
3 opinions in this case about what is a safe
4 or appropriate S-RAD score; true?

5 MS. WILKINS: Asked and answered.

6 THE WITNESS: I'm offering the
7 opinion of what the score was, what
8 the thresholds that Uber set at that
9 time were because that was the data
10 provided to me and that is what is
11 limiting my opinion on this. Uber did
12 not produce all the supply plans
13 because it says it deletes that data.
14 Uber did not produce the bar count or
15 other input values for all of the
16 trips, for example, so I am limited to
17 the data it produced for the
18 bellwethers in this spreadsheet.

19 BY MS. LEVY:

20 Q. And you don't have an opinion on
21 what a safe or a dangerous S-RAD score is,
22 that's beyond the scope of what you've
23 done?

24 MS. WILKINS: Asked and answered,
25 misstates prior testimony.

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2 THE WITNESS: I'm offering the
3 opinions on what the inputs were to
4 that trip, what Uber knew those inputs
5 to be.

6 BY MS. LEVY:

7 Q. And the same -- I'm sorry, I
8 didn't mean to cut you off.

9 A. Go ahead.

10 Q. The same answer would be true for
11 all the other feature values that are
12 listed in the table 3 of your paragraph
13 76, same answer for each of the feature
14 values?

15 MS. WILKINS: Object to form.

16 THE WITNESS: So I am not able to
17 contextualize those feature values.

18 [REDACTED]
19 [REDACTED]
20 [REDACTED] because Uber has only
21 produced this data for these
22 plaintiffs. I do not have this data
23 for every trip, I don't have this data
24 for every driver, I don't have this
25 data for every rider because Uber did

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2 not produce it.

3 BY MS. LEVY:

4 Q. You do not have and have not
5 formulated any opinions about whether Uber
6 should or should not have dispatched these
7 trips?

8 MS. WILKINS: Object to form.

9 THE WITNESS: I offer the opinion
10 that [REDACTED]. I
11 offer the opinion that trips that are
12 above a flagging threshold do [REDACTED]
13 [REDACTED] and that
14 I'm able to calculate just from Uber's
15 documents the volume of those trips.
16 Those are two opinions, for example,
17 that I offer related to that topic.

18 BY MS. LEVY:

19 Q. My question is a little bit
20 different. You have not stated anywhere
21 in this 55 pages of your report or
22 anywhere I can find in any of your
23 appendices an opinion that Uber should not
24 have dispatched or allowed a pairing
25 between any one of the four plaintiffs

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2 listed in table 3 under paragraph 76; is
3 that correct?

4 A. I offer the opinion that those
5 trips were dispatched and these are the
6 inputs that Uber had about those trips
7 when it dispatched those plaintiff trips.

8 Q. And again, my question was: You
9 do not intend to go further and say Uber
10 should have blocked any one of these four
11 pairings, that's beyond what you've looked
12 at?

13 A. I offer the opinion that they
14 [REDACTED]
15 [REDACTED] when operating S-RAD and that's
16 the extent to my opinion on -- that's one
17 opinion on [REDACTED]. I also discuss
18 [REDACTED] but I think we've discussed
19 that a number of times in my deposition
20 today.

21 MS. LEVY: Let's turn to -- are
22 you doing okay, do you need a break?

23 THE WITNESS: I could use a
24 quick.

25 MS. LEVY: Let's go off the

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2 record. Take a quick break.

3 THE VIDEOGRAPHER: Going off the
4 record. The time is 7:24 p.m. This
5 is the end of media unit 5.

6 (Recess taken from 7:24 p.m. to
7 7:43 p.m.)

8 THE VIDEOGRAPHER: We're back on
9 the record. The time is 7:43 p.m.
10 Eastern time. This is the beginning
11 of media unit 6.

12 BY MS. LEVY:

13 Q. Ms. Keller, is it your opinion
14 that Uber should report data even if the
15 data is unreliable?

16 MS. WILKINS: Object to form.

17 THE WITNESS: I don't offer an
18 opinion what Uber should report. I
19 offer opinions on the discrepancy of
20 the hundreds of thousands of tickets
21 that Uber had in its possession and
22 knew about and categorized versus the
23 five categories that it reported on
24 its safety reports.

25 ///

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2 BY MS. LEVY:

3 Q. And you have no opinion on
4 whether Uber should have reported numbers
5 of incidents in categories that are
6 unreliable, offering no opinion on that?

7 A. What are categories that you are
8 defining as unreliable?

9 Q. My question isn't that. My
10 question is: Are you going to offer the
11 opinion that Uber should release data even
12 if it didn't have reliable data?

13 MS. WILKINS: Object to form.

14 THE WITNESS: I'm offering the
15 opinion that Uber did not produce and
16 disclose the reports that it had and
17 categorized in its possession through
18 the -- which I know about through the
19 Flack interrogatory responses and it
20 only disclosed the 15 -- I'm
21 forgetting the number now that it's
22 late in the day but the reports it had
23 in the five reportable categories.

24 BY MS. LEVY:

25 Q. Are you offering any opinion of

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2 which of the 21 or 27 categories -- I
3 think we've got some background noise.
4 Let me start that question over.

5 Have you done any analysis or
6 formed any opinions yourself as to which
7 of the 21 or 27, depending how you count
8 categories in the taxonomy, that Uber did
9 and did not have reliable data on?

10 MS. WILKINS: Object to form.

11 THE WITNESS: Are you suggesting
12 that Uber produced unreliable data in
13 this litigation?

14 BY MS. LEVY:

15 Q. I am asking you -- have you read
16 testimony from Uber's witnesses to the
17 effect that Uber did not release data in
18 other categories because it did not
19 believe that data to be reliable, have you
20 seen that testimony from Uber's witnesses?

21 A. I don't know if I would
22 characterize that as reliable. I've seen
23 testimony that I'm recalling about
24 auditing alignment but I don't know if
25 that's the same thing that you're

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2 referring to as reliable.

3 Q. And I think what we're referring
4 to generally is there are categories in
5 the taxonomy according to Uber's witnesses
6 that have lower alignment among competing
7 auditors looking at the same data than
8 other categories; is that fair?

9 A. That is -- what I have in my mind
10 is what I was reviewing this morning which
11 is in the safety reports and in the
12 appendix to the 2019 and 2020 safety
13 report. I would be happy to pull that up
14 if you don't mind discussing the alignment
15 process.

16 Q. Yeah, I think I'm going to be
17 really precise in my question.

18 Do you intend to offer any
19 opinion in this case that, in fact, Uber
20 witnesses are wrong and Uber -- that the
21 data that it had in other categories in
22 the taxonomy was just as reliable as the
23 data that it provided incident numbers
24 for?

25 MS. WILKINS: Object to form,

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2 vague, overbroad.

3 THE WITNESS: So I'm offering
4 opinions based off of data that Uber
5 has produced in this litigation, that
6 it has represented as accurate in this
7 litigation as far as how I understand
8 interrogatory responses go so my
9 analysis is based off of those
10 representations from the company. If
11 you are suggesting in some way that
12 Uber has not provided accurate data, I
13 would be interested in knowing
14 specifically what you are talking
15 about.

16 BY MS. LEVY:

17 Q. You understand that there are
18 categories in the taxonomy that are easier
19 to classify than other categories, do you
20 that, do you agree with that or you don't
21 know?

22 MS. WILKINS: Object to form.

23 THE WITNESS: I don't have an
24 opinion because I have not categorized
25 the data itself. I don't need to

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2 because Uber has already done that
3 categorization for me through the
4 plaque interrogatory response.

5 BY MS. LEVY:

6 Q. And if hypothetically Uber's
7 witnesses were to say to you some of the
8 categorizations that we use and provide we
9 have a great deal of reliability and
10 others we have less so, would you have any
11 reason to disagree with that statement?

12 A. Uber has not produced a
13 line-by-line documentation of which
14 categories are reliable in this
15 hypothetical that you have so I would be
16 theorizing what types of things Uber would
17 be saying about its data. I am making the
18 assumption that Uber has produced reliable
19 data in this litigation when it comes to
20 the Flack interrogatory response and the
21 Flack data that it just recently produced.

22 Q. Are you making the assumption
23 that the categorization of each of those
24 incident types is equally reliable, is
25 that your assumption?

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2 A. I'm using the categorization that
3 Uber has put forth in that data itself.

4 Q. And you are assuming that Uber's
5 categorization is equally reliable in each
6 level of the taxonomy, is that your
7 assumption?

8 A. I'm assuming something different.
9 I'm assuming that Uber has produced in a
10 truthful manner the data that it has in
11 its possession and I am taking Uber's
12 representation of that data.

13 An example of that not being
14 complete as its previous productions was
15 Uber's production and reproduction of the
16 Flack data where Uber did not produce
17 fields that it used internally to classify
18 data so I need and have reserved my right
19 to analyze data from that data system
20 because Uber did not produce that data
21 previously.

22 Q. Have you reviewed Katie
23 McDonald's deposition transcripts in this
24 case?

25 A. Yes.

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2 Q. Both the April 24th and April
3 25th transcripts?

4 A. Yes.

5 Q. And do you have any different
6 information than Ms. McDonald about Uber's
7 confidence in the reliability of how it
8 classified the incidents in the Flack
9 data?

10 MS. WILKINS: Object to form.

11 THE WITNESS: So I am not sure
12 what you are referring to when you say
13 reliability or confidence. What I'm
14 thinking about is what I read in the
15 safety reports this morning about the
16 auditor process and their reason,
17 their process there. I would be happy
18 to look at other deposition testimony.

19 Regardless of that, what I do
20 know is the data that I have is how
21 Uber classified it at the time of two
22 data pulls when they produced the data
23 to me.

24 BY MS. LEVY:

25 Q. I want to turn in our last few

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2 minutes to your Appendix D. The
3 information that you've provided in the
4 appendix to your report, additional
5 information that we haven't already talked
6 about about driver profiles. Do you have
7 that in front of you?

8 A. Have we marked that as an exhibit
9 yet?

10 MS. LEVY: We haven't marked it
11 as an exhibit yet. I'm trying to
12 figure out what tab it is and pull it
13 up for you. Give us a minute.

14 We're going to take a minute and
15 e-mail it. We don't have it in our
16 tabs. While we're doing that,
17 circling back on some other questions
18 that we discussed earlier.

19 BY MS. LEVY:

20 Q. S-RAD you agree is a proprietary
21 software that Uber developed, we've
22 discussed that at length today; correct?

23 A. At its base, Uber is a
24 machine-learning model, but it is using
25 data that only Uber has access to.

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2 Q. And is it your opinion that Uber
3 has some duty or obligation to disclose to
4 the public its proprietary technology
5 tool?

6 A. I'm not offering the opinion that
7 Uber should disclose that tool. I am
8 offering the opinion that Uber has not
9 disclosed that tool and I'm offering
10 opinions to the court describing how that
11 tool was created and what are the inputs
12 that went into it and the broad strokes of
13 how it works and how Uber utilizes that
14 tool to, quote, prevent sexual assaults on
15 the platform.

16 Q. But you don't intend to offer any
17 opinion in this case that Uber has a duty,
18 obligation or should have disclosed S-RAD
19 publicly?

20 MS. WILKINS: Asked and answered.

21 THE WITNESS: Same answer as just
22 before. I thought the questions were
23 the same.

24 BY MS. LEVY:

25 Q. And the same would be true for

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2 other studies or metrics that it looks at
3 in an attempt to combat incidents of
4 sexual assault and misconduct, you're not
5 intending to offer opinions in this case
6 that Uber should have or had any duty or
7 obligation to disclose to the public
8 anything about its study of this issue
9 that it didn't disclose, that's beyond the
10 scope of what you've been asked to do
11 here; correct?

12 A. I'm offering opinions that Uber
13 has studied those inputs, whether they are
14 the differences in rider driver, gender,
15 proximity to bars or time of day but none
16 of that is disclosed in its safety
17 reports. Uber chooses to show the rate of
18 assaults on its platform by looking at
19 five categories of data and comparing them
20 to all trips that occur on the platform,
21 as opposed to looking at the volume of
22 incidents that occur in late night trips
23 or near bars similar to the analysis that
24 it has done internally.

25 Q. And to be very specific, and

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2 let's see if you can answer this with a
3 yes or no, you don't intend to offer any
4 opinions about any disclosure, duties or
5 obligations; true?

6 MS. WILKINS: Asked and answered.

7 THE WITNESS: I offer opinions on
8 disclosures that have happened but I
9 don't offer opinions on what they
10 should have done differently. I offer
11 opinions on what they could have shown
12 with the data that they had in their
13 possession as well as the analyses
14 that they were doing internally.

15 BY MS. LEVY:

16 Q. And I don't see anywhere in your
17 report that you talk about duties or
18 obligations. That's beyond the opinions
19 you're offering; correct?

20 MS. WILKINS: Asked and answered.

21 THE WITNESS: The same answer to
22 disclosures is I offer opinions on
23 what has -- and describe what has
24 occurred and what has been disclosed.
25 I don't offer opinions on what should

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2 be disclosed, but instead offer
3 opinions on what they could have
4 disclosed to the public based off of
5 the information that they had studied
6 and held within their possession.

7 (Exhibit 11, Appendix D, marked
8 for identification.)

9 BY MS. LEVY:

10 Q. Let's pull up the document that
11 we just marked. I think it's going to be
12 Exhibit 11, which is Appendix D to your
13 expert report. Tell me when you've got
14 it.

15 A. Okay.

16 Q. This appendix is the -- contains
17 your analysis of the individual rides or
18 trips that you've studied that are
19 encompassed by this expert report;
20 correct?

21 MS. WILKINS: Object to form.

22 THE WITNESS: So these, the data
23 that's contained in these, this
24 appendix is slightly different than
25 the data that's in the remainder of

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2 the report or the main report, I
3 should clarify. As part of the
4 litigation, Uber produced data only
5 for some of the plaintiffs' drivers
6 and trips. This data was not
7 available for all drivers in their
8 database, nor was it available for all
9 trips in their database so this is
10 only a limited subset of the data that
11 Uber has in its possession but only
12 what it produced as part of the
13 litigation.

14 BY MS. LEVY:

15 Q. Let's turn to the next page,
16 table of contents here. For each of the
17 five drivers that are listed in II through
18 VI, you've conducted four different types
19 of analysis, correct, a driver trip
20 profile, an analysis of driver ratings,
21 idle ride notifications and sexual assault
22 and sexual misconduct incident history;
23 true?

24 A. Yes.

25 Q. Those four analyses you did using

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2 the same methodology for each of the
3 drivers that are listed here; is that
4 right?

5 A. For each of the drivers that are
6 listed here, yes.

7 Q. Okay, and you are offering no
8 opinion again as to Uber's conduct -- let
9 me ask it in a different way -- strike
10 that.

11 You are not offering the opinion
12 and have not put in Appendix D any opinion
13 that Uber should not have allowed any of
14 these trips to go forward. That is beyond
15 the scope of what you are going to testify
16 about in this case; correct?

17 A. I'm offering opinions on what
18 Uber knew about that trip, the types of
19 information that it reviewed as part of
20 its incident review. I'm offering
21 opinions on what Uber knew about that
22 driver prior to that trip, whether it's
23 through their previous trip incident
24 history or their ratings or their S-RAD
25 score, but I'm not offering opinions on

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2 what Uber should have done with that
3 information. I'm just offering opinions
4 about what Uber knew at the time of that
5 trip and before that trip.

6 Q. And if we skip over --

7 A. I'm sorry, I should clarify. At
8 the time of the trip and its investigation
9 of the trip because I believe there are
10 some investigative documents that Uber
11 produced so that would occur, just to be
12 most clear.

13 Q. Let's turn to page 4 of 43.
14 Looking at table 1, this is your summary
15 of the bellwether driver profiles;
16 correct?

17 A. Yes.

18 Q. And in this summary, you list the
19 metrics that you evaluated for each of the
20 five drivers and then analysis or the
21 output of what you looked at is contained
22 in this report; fair?

23 MS. WILKINS: Object to form.

24 THE WITNESS: So this table is
25 kind of a summary table of the

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2 information that is -- of the types of
3 information that's contained in each
4 of the subsequent driver profiles.

5 BY MS. LEVY:

6 Q. If we look at page 5 of 5 of 43
7 where it addresses 1 star ratings, are you
8 with me?

9 A. Yes.

10 Q. And here you've tabulated the
11 number of 1 star ratings that you see in
12 this data; is that correct?

13 MS. WILKINS: Object to form.

14 THE WITNESS: So for each driver
15 Uber produced all of the rating
16 history for that drivers, no other
17 driver, so just for those five
18 drivers, and using that information I
19 calculated how many were 1 star.

20 BY MS. LEVY:

21 Q. And did you do any other analysis
22 on 1 star rating; for example, have you
23 formed any opinions on an appropriate
24 absolute number or threshold of a
25 percentage for 1 star ratings or is that

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2 beyond the work that you've done in this
3 case?

4 MS. WILKINS: Object to form.

5 THE WITNESS: I would have loved
6 to do an analysis of all of the
7 drivers' 1 star -- or all of the
8 drivers on the platform, their
9 ratings, all of the drivers on the
10 platform that had sexual assault or
11 misconduct incidents. Uber did not
12 produce that information in this
13 litigation. They only processed the
14 files here so the opinions that I am
15 able to offer are limited to counting
16 the number of 1 star ratings that are
17 produced in these five documents.

18 BY MS. LEVY:

19 Q. You're not intending to offer an
20 opinion, for example, that if a driver
21 receives a 1 star rating, they should be
22 deactivated solely because of the 1 star
23 rating; that's beyond anything that you
24 would offer in this case as an example;
25 correct?

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2 MS. WILKINS: Object to form,
3 object to the extent it misstates
4 Ms. Keller's opinions that are offered
5 in her report.

6 THE WITNESS: I'm offering the
7 opinion that -- the analysis of these
8 five drivers' 1 star ratings is the
9 extent of the opinions that I am able
10 to offer with that data as it stands
11 right now because Uber has not
12 produced data about all drivers. I am
13 not able to say if six or 160 or 12 1
14 star ratings is a lot, a little, they
15 are in the first -- in the 1
16 percentile, the 99 percentile.
17 Because Uber has not produced that
18 data, I'm not able to contextualize
19 what that means.

20 BY MS. LEVY:

21 Q. Can you look at page 10 which is
22 the start of your analysis of Hassan
23 Turay? Are you with me?

24 A. Yes.

25 Q. The next page in paragraph 9 you

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2 have charted out a graphic depiction of
3 time of day reflected on the trips that
4 were driven by Mr. Turay; is that correct?

5 A. This image shows when Hassan
6 Turay is driving. You can see that the
7 dark bars are when they're a late night
8 weekend. The super dark blue bars are
9 late night weekend, the light lighter blue
10 bars are weekday late night, and then the
11 weekdays are also shades of orange. So
12 this is plotting how many trips, not
13 incidents but how many trips he is taking
14 or driving over the course of his time on
15 the platform.

16 Q. And this analysis and the similar
17 analysis that you did for the other
18 drivers in Appendix D, this is the limit
19 of the late night -- I'm sorry, this is
20 the limit of the analysis that you've done
21 on this issue; in other words, you don't
22 intend to offer any opinions about whether
23 this pattern is good or bad or
24 problematic, that's not work that you've
25 done in this case; correct?

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2 MS. WILKINS: Object to form.

3 THE WITNESS: The Uber has only
4 produced data for these drivers. They
5 have not produced trip level data for
6 all of the drivers on its platform,
7 nor have they produced trip level data
8 that would allow me to do a similar
9 analysis for any driver that had a
10 sexual misconduct or sexual assault
11 report. I am unable to do that
12 analysis because Uber has not produced
13 that data so I am limited by those
14 productions to analyzing the data in
15 this way in my report.

16 BY MS. LEVY:

17 Q. And you're not suggesting that
18 Uber shouldn't allow drivers to drive
19 during late night hours?

20 MS. WILKINS: Object to form.

21 THE WITNESS: I am showing the
22 data in the way, especially on the
23 next image, I believe it's a heat map
24 of the data, how Uber has even
25 analyzed that data internally to the

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2 extent that I have been given this
3 type of data for these five drivers by
4 Uber.

5 BY MS. LEVY:

6 Q. For none of the five drivers do
7 you intend to offer value judgments about
8 whether the patterns you see are good or
9 bad or problematic, you don't intend to do
10 that in this case; correct?

11 A. I offer opinions on what that
12 data show. I am unable to draw
13 comparisons to other data because Uber did
14 not produce that data and I cannot provide
15 any value judgments to that data.

16 Q. In paragraph 10 and Figure 3,
17 this is a visual depiction of the percent
18 of Mr. Turay's trips by hour on various
19 days of the week; correct?

20 A. Correct, it's another way of
21 looking at the same data that we were
22 looking at just recently in Figure 2 but
23 as a percentage and in a heat map. This
24 image is one that Uber has internally that
25 I've seen in documents.

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2 Q. And again, the darker images
3 represent a higher percentage of trips;
4 correct?

5 A. The darker squares I think you
6 mean represent a higher percentage of
7 trips, yes.

8 Q. So at its highest level for
9 Mr. Turay, it looks like his highest
10 percentage of trips by hour occur
11 Saturdays and Sundays and a little bit on
12 Friday night; correct?

13 A. It looks like from this we see
14 the red images start or the red shading
15 start Friday at what would be 2100 hours
16 local time so that would be 9 p.m. Again
17 a similar time frame on Saturday as well
18 extending into the early morning hours --
19 it would be Friday into the early morning
20 hours and then again on Saturday into the
21 early hours of Sunday. So you can see
22 that carry over from basically 9 p.m. on
23 Friday into nearly 3 a.m. on Saturday and
24 so on and so forth.

25 Q. Is there anything wrong with a

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2 driver choosing to drive more on the
3 weekend?

4 MS. WILKINS: Object to form.

5 THE WITNESS: I'm not providing a
6 value judgment. I'm showing the data
7 in a way that I've seen Uber
8 internally look at this data
9 specifically in this way and so that's
10 why I'm presenting this information in
11 this fashion in this table for this
12 figure I should say.

13 BY MS. LEVY:

14 Q. And that would be for all the
15 drivers, not just Mr. Turay, but you're
16 not providing any value judgment about
17 their patterns for any of these drivers in
18 Appendix D; correct?

19 A. I am describing the patterns that
20 I am able to see in their data and those
21 are contained in Appendix D.

22 Q. And table 2 for Mr. Turay breaks
23 down his ratings in four different time
24 slots; correct?

25 A. This table shows the breakdown of

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2 ratings, whether it was 1 star rating by
3 time of day and those times of day are
4 defined in the same way that we described
5 earlier using the S-RAD definitions as put
6 forward in the Wong deposition.

7 Q. And if I'm reading this
8 correctly, and making sure I understand
9 what you've done here, for 1 star ratings
10 for Mr. Turay, it looks like he had a
11 higher percentage of 1 star rating on
12 non-late night hours than on late night
13 hours during the weekday; is that true?

14 A. So it looks like in this table,
15 46.77 percent of Turay's 1 star ratings
16 occurred on weekend non-late night hour
17 trips.

18 Q. And another 29 percent occurred
19 on weekday non-late night trips; correct?

20 A. You're reading the chart
21 correctly.

22 Q. Okay. And so if you add those
23 together, if we round up the 29 to 30,
24 it's roughly 36 -- I'm sorry, 76 or 75
25 percent of his trips that are 1 star

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2 rated, 75 percent of those occurred not
3 during late night hours. Do you agree?

4 A. That is the -- that's how that
5 table adds up but I would urge you to
6 remember that late night hours are a small
7 percentage of the hours in the day so
8 keeping that in mind when reviewing this
9 chart is important.

10 Q. Late night hours are a large
11 percent of Mr. Turay's trips however;
12 right?

13 MS. WILKINS: Object to form.

14 THE WITNESS: They are a larger
15 percentage of his trip volume.

16 BY MS. LEVY:

17 Q. Turning to page 14, idle ride
18 notifications, what you've depicted here
19 is a graphic depiction of idle ride
20 notifications based on the Bates number
21 described in this Exhibit 1605 from the
22 Mariana Esteves deposition; correct?

23 A. This is another spreadsheet of
24 communications data that Uber maintains
25 and in this dataset, when it detects a

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2 ride that has been idle for I believe five
3 minutes or longer will send a nudge to the
4 driver and rider to ask basically if
5 everything's okay. They do that in a
6 number of different messages but that's
7 what the idle notification is so I was
8 asked to identify the volume of those
9 using a few phrases as provided by counsel
10 and the results of that analysis is shown
11 in this figure.

12 Q. By idle ride notifications, you
13 mean RideCheck; right? That's the same as
14 what is sometimes referred to as
15 RideCheck?

16 A. Yes, I think they are the same.
17 It's when someone's -- I know them when
18 you're sitting in the car and there's
19 something -- that car has not moved in a
20 time -- in some time, I think it's five
21 minutes, that Uber sends out a
22 notification to both rider and driver.

23 Q. And there can be many, many
24 reasons why a RideCheck notification or an
25 idle ride notification would go out that

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2 would have nothing whatsoever to do with
3 sexual assault or sexual misconduct; true?

4 MS. WILKINS: Object to form.

5 THE WITNESS: Those notifications
6 are sent out by the platform due to
7 the car not moving. Whether that
8 sexual assault is occurring, which I
9 know that has been the case for some.
10 In others I understand that sometimes
11 there's just traffic and that car
12 hasn't moved in five minutes, but I do
13 know that those notifications are sent
14 a number of times if the car continues
15 not to move.

16 BY MS. LEVY:

17 Q. And have you done any other
18 analysis of idle ride notification to
19 RideCheck other than that as reflected in
20 -- for Mr. Turay other than that reflected
21 in paragraph 12?

22 MS. WILKINS: Object to form.

23 THE WITNESS: I think I state
24 this in my main report. I asked for
25 the RideCheck notification data,

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2 especially as it pertains to the
3 sexual assault incident data or the
4 sexual safety report data. That has
5 not been provided to me so I am
6 limited by the data that was produced
7 by Uber to being able to analyze the
8 data for these profiles for these
9 drivers.

10 BY MS. LEVY:

11 Q. And the last paragraph that you
12 included in Exhibit D with respect to
13 Mr. Turay is the figure that we see on
14 page 15 of 43, Figure 5, that is a -- is a
15 screenshot, I believe, of Mr. Turay's
16 safety incident history, sometimes
17 referred to as safety lens.

18 A. Yes, this is a screenshot from an
19 internal document from Uber. I have not
20 changed it in any way.

21 Q. Okay. And you do not intend to
22 offer any analysis of the safety lens, you
23 do not intend to offer any value judgments
24 about the safety lens, the extent of what
25 you intend to say about Mr. Turay's safety

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2 incident history is contained within this
3 report; correct?

4 MS. WILKINS: Object to the
5 compound and vague nature of the
6 question.

7 THE WITNESS: I would say I'm not
8 offering any value judgments about the
9 safety lens image or the document
10 that's cited here. It is possible
11 that I'm asked to analyze the numbers
12 that are in that screenshot, the
13 number of incidents that were reported
14 for this individual, and being able to
15 calculate how many those total up to
16 be because that is in my area of
17 expertise.

18 BY MS. LEVY:

19 Q. And you've calculated that,
20 you've calculated the number of incidents
21 already and provided that in your report;
22 correct?

23 MS. WILKINS: Object to form.

24 THE WITNESS: Yes, that's in the
25 table that I think we discussed

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earlier, the number of prior incidents of specifically sexual assault and misconduct incidents are in that table. The resolution is pretty bad on my end here so I don't know if you can see any better, but I understand that there's other types of data that is reflected here so I don't want to rule out that I would be asked at some point to count these things at some point in time, but I'm not offering value judgments about that similar to the ways I've analyzed the data elsewhere in my report.

BY MS. LEVY:

Q. And you're not going to say, for example, that Uber should have taken action against Mr. Turay at a different point in time or Uber didn't act responsibly with respect to a particular actioning of something in the safety lens; that's beyond what you intend to offer with respect to your opinions about these individual drivers; correct?

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2 MS. WILKINS: Object to form.

3 THE WITNESS: So I offer opinions
4 on the types of data that Uber had in
5 its possession and the types of
6 information Uber was aggregating
7 itself about these data including
8 through these screenshots. Since I
9 didn't have the underlying data for
10 the screenshot, for example, here,
11 this is other data that Uber had in
12 its possession that it did not produce
13 so I'm analyzing the data that it did
14 have in a few ways. I've also
15 produced a comprehensive timeline of
16 all of the data that -- or of all the
17 time based data that Uber -- that I
18 had for these drivers and trips so I
19 produced that in my report as well.

20 BY MS. LEVY:

21 Q. I want to make sure I understood
22 your last point which is: Is it your
23 testimony that Uber did not produce data,
24 any additional data underlying these
25 incidents?

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2 A. So there's reports in this
3 screenshot that I don't have, or not in
4 this screenshot but for other drivers that
5 I don't have. Uber did not produce that
6 data. It's outside the time frame that
7 Uber produced data.

8 Q. Okay. I understand. But for
9 the -- do you understand that Uber did, in
10 fact, produce Bliss and Jira tickets about
11 these drivers that appear in the safety
12 lens, you understand that that data was
13 produced?

14 MS. WILKINS: Object to form.

15 THE WITNESS: I understand that
16 Uber produced pdf copies of those but
17 what I'm saying is in the safety data
18 that's in the secured BDO environment,
19 that's outside of -- because that data
20 ends in 2022, many of the incidents
21 that are discussed in the tickets that
22 are pdf copies are not in that data as
23 well as some of the pre -- the events
24 that happened prior to the incidents
25 affecting the plaintiffs.

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2 BY MS. LEVY:

3 Q. The analysis that we've been
4 through with Mr. Turay that we've just
5 talked about, you did the same for the
6 other drivers that are in Appendix B,
7 Edwin Castaneda, Jeffrey Richardson, Felix
8 Perez Rodriguez and Michael Le --
9 apologies, let me ask it in a more simple
10 way.

11 Your analysis with respect to the
12 other drivers in Appendix B follows the
13 same methodology with the same limitations
14 that we just discussed with Mr. Turay;
15 correct?

16 A. A point of clarification, I think
17 we're talking about Appendix D as in dog.
18 I thought I heard you say B as in boy.

19 Q. Sorry, I meant to say D.

20 A. For D as in dog Appendix, I wrote
21 a script that generated the same image for
22 all of the drivers in the exact same way
23 so it ran as a loop and so for each driver
24 it generated the same analyses. And if
25 there was data available, it was displayed

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2 in their section of the report.

3 Q. We talked about at the beginning
4 of this deposition some of the work you've
5 done in other -- before MK Analytics in
6 other career -- points in your career, and
7 my question is: In any of the work that
8 you've done in other cases, have you done
9 any of these same analyses that we talked
10 about for Mr. Turay? Have you ever done
11 these analyses in any other litigation or
12 any other job besides this case?

13 MS. WILKINS: Object to form.

14 THE WITNESS: I write profiles
15 all the time. I think we were talking
16 when I was first at the -- when we
17 were talking about my time at the
18 union, I would write profiles of the
19 companies that were on the other side
20 of the bargaining table analyzing the
21 information that I could find on them.
22 When I was at the Attorney General's
23 office, I would write profiles up on
24 the investigative leads that I had for
25 the office, including recently we've

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2 written -- MK Analytics has written
3 profiles on potential gun trafficking
4 leads.

5 I in the opioids litigation wrote
6 profiles on the prescribers to show
7 the richness of the data and exemplify
8 that to the court. So writing
9 profiles is something that I've done a
10 number of times throughout my career.

11 BY MS. LEVY:

12 Q. And is this the first time that
13 you've analyzed individual drivers and
14 their history with respect to sexual
15 assault and sexual misconduct?

16 MS. WILKINS: Object to form.

17 THE WITNESS: So throughout my
18 career, I've worked with various types
19 of data. The methodology that I use
20 throughout my work remains the same.
21 The tool sets will often be similar
22 but the subject matter will change and
23 so in this case I may be using the
24 same methodology as a data analyst but
25 applying it to that of drivers, to

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2 that of rides, to that of sexual
3 assaults, but the methodology where
4 I've been admitted as an expert a
5 number of times including in federal
6 court remains the same.

7 BY MS. LEVY:

8 Q. Have you provided your data or
9 your analysis to anybody else other than
10 the attorneys that you are working on in
11 this case?

12 A. Have I provided the data to
13 anybody else?

14 Q. Yes.

15 A. Absolutely not.

16 Q. And have you had any contact with
17 any press or media about the work that
18 you've done in this case?

19 A. Absolutely not.

20 Q. Have you or anybody on your staff
21 had any contact with The New York Times
22 about the work that you have done in this
23 case or the data that you've looked at?

24 A. Absolutely not.

25 MS. LEVY: I believe that we're

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2 close to time. I would like to go off
3 the record and check and see if I have
4 any other questions that we're going
5 to do today and I'll ask your
6 indulgence for like 30 seconds to do
7 that but don't go away.

8 THE VIDEOGRAPHER: Going off the
9 record. The time is 8:25 p.m. Eastern
10 time.

11 (Discussion off the record.)

12 THE VIDEOGRAPHER: We're back on
13 the record. The time is 8:26 p.m.

14 MS. LEVY: I am going to leave
15 the deposition open for purposes of
16 evaluating whether there are
17 additional questions we need to ask
18 and whether we would like to go to the
19 court and get clearer answers to some
20 of the questions but subject to that,
21 I thank you for your time today,
22 Ms. Keller, and Counsel. I know it's
23 late wherever you are. It's even
24 later where we are and we appreciate
25 your time.

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2 MS. WILKINS: We are just
3 slightly over time. If you have
4 additional questions right now that
5 you feel have not been answered, I
6 invite you to ask them now and am
7 willing to indulge you in a bit more
8 time. Otherwise we will object to any
9 efforts to reopen this.

10 MS. LEVY: I understand we are
11 going to have to agree to disagree
12 about that.

13 MS. WILKINS: I have a few
14 additional questions. I should
15 hopefully be very, very quick. Do you
16 need a break before that?

17 MS. LEVY: No.

18 EXAMINATION

19 BY MS. WILKINS:

20 Q. Ms. Keller, did your political
21 views affect your opinions in this case in
22 any way?

23 A. Absolutely not. That is not a
24 factor in any of the cases that I have
25 been a part of, especially not this case.

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2 Q. Does your political views affect
3 your judgment in conducting your research
4 to reach your opinions in this case in any
5 way?

6 A. The same answer that my
7 methodology is that of a data scientist or
8 data analyst.

9 Q. Earlier today, quite awhile ago,
10 you were asked to look at some documents
11 about allegations that were made against
12 certain individuals who have relationships
13 with The New School, with the Service
14 Employees International Union and with the
15 New York Attorney General's office. Do
16 you recall that questioning generally?

17 A. Yes.

18 Q. Do you recall that you were shown
19 three documents about that topic?

20 A. I recall being shown some
21 documents. I don't remember how many.

22 Q. Do you have any personal
23 knowledge as to whether the allegations
24 against any of the individuals identified
25 in those documents were true or not?

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2 A. Many of the -- I think all of the
3 allegations occurred after I had left my
4 position in those organizations, whether I
5 was a student or working at the union or
6 working at the Attorney General's office
7 so the allegations were after my time
8 there, and I also was not aware of any of
9 the allegations personally.

10 Q. Do you know whether the
11 allegations that were made against those
12 individuals would be defined as sexual
13 misconduct, sexual assault, sexual
14 harassment or anything else?

15 A. I'm not aware of the specifics of
16 the allegations so I would be theorizing
17 one way or the other.

18 Q. Earlier today you were asked a
19 series of questions about whether you have
20 authored any publications related to
21 sexual assault or sexual misconduct. Do
22 you recall those questions?

23 A. Yes.

24 Q. Was there something unclear to
25 you about the question that was being

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2 asked of you?

3 A. So that was early in our
4 deposition. I was not sure what Ms. Levy
5 meant by sexual assault and misconduct, if
6 she was using the terms defined by Uber or
7 some other term. Because I had authored a
8 number of reports specifically about using
9 data in investigations, I wasn't sure what
10 the truthful answer would be. If asking
11 about have I authored a study specific to
12 sexual assault in the way that or
13 misconduct that Uber defines it, I have
14 not authored publications in that context.

15 Q. We've talked a lot about S-RAD
16 scores and the data that Uber uses to
17 evaluate S-RAD scores and the data that
18 has been produced in this litigation with
19 respect to S-RAD scores.

20 Has Uber produced in this
21 litigation data that allows you to
22 determine how a particular S-RAD score
23 equates to an estimated increased risk of
24 sexual assault occurring on that ride?

25 A. So hopefully I understand what

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you're asking. Uber has not produced data that I need to contextualize that S-RAD score. Was it -- and that would be in the supply plans and I think I spoke about this earlier. The supply plans would show the volume of S-RAD -- I'm sorry. I thought I saw somebody at the door and it's late here. Let me start over.

So Uber had -- has not produced data that would allow me to contextualize a particular S-RAD score and I think I discussed this a little bit earlier is that would be in the supply plan data. So every trip that was requested, whether it was the plaintiffs' trips or any trip that resulted in a sexual assault or misconduct in the safety data, Uber has not produced the supply plans for those trips, so I am unable to see if that was the highest S-RAD score available or if it was the lowest, I don't have an ability to determine where that S-RAD score fell. Nor has Uber produced the inputs to that score other than what it's produced for

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2 the plaintiff trips. I don't have those
3 inputs for other trips that were scored on
4 the platform. I don't have those inputs,
5 those scores of those inputs, the values
6 like I have for the plaintiffs for other
7 trips that occurred on the platform. Uber
8 has not produced that data, just to name a
9 few examples of datasets that I know Uber
10 has in its possession but has not
11 produced.

12 Q. You mentioned today a few times
13 supply plans or supply plan data. What
14 does that mean?

15 A. So when you request or anybody on
16 the platform requests a trip, Uber calls
17 that a supply plan or a driver rider
18 pairing, so that supply plan looks at all
19 trips that are available to service that
20 ride. And it -- when so far as S-RAD it
21 then scores those supply plans for their
22 risk of assault according to the S-RAD
23 model.

24 Q. If Uber had produced its supply
25 plan data, is there additional analysis

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that you would have done using that data?

A. So I think I talked about this a little bit. I would be able to analyze if there were trips with lower S-RAD scores that could have been dispatched or trips with higher S-RAD scores, that's the type of analysis I could run for the plaintiffs' trips. I could run that same type of analysis if there was a link to the safety data through trip UUID, which is a unique identifier assigned to a trip. If that identifier plus the S-RAD score was produced, I would be able to -- I would want to analyze what the supply plans were for a trip in the safety data. I would want to look at were there trips available with higher scores, with lower scores as compared to the trip in the safety data that was ultimately dispatched. I could probably name a few other examples but I know it's getting late but there's a number of analyses that I would like to run and I know I had said this in my report, I reserve the right to

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2 run said analyses if that data had been
3 produced.

4 Q. Talking about reserving the
5 right, are you reserving the right to
6 supplement your opinion with respect to
7 what metrics Uber could have included or
8 considered in S-RAD model based on the
9 review that you intend to do of the Flack
10 raw data that was just recently produced?

11 A. Because the Flack data was just
12 produced, I have not had a chance to fully
13 review it for its contents and how it
14 relates to the other datasets that I
15 analyzed in this report. So yes, I would
16 like to reserve that right and have the
17 time to adequately analyze the dataset
18 that I've been waiting for.

19 Q. Are you also reserving the right
20 to supplement your opinions with respect
21 to Uber's dispatch of trips above Uber's
22 S-RAD flagging thresholds based on a
23 review of the Flack raw data that was
24 recently produced after you served your
25 current report?

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2 A. Because the Flack data includes
3 years including years that were not
4 produced in the Bliss and Jira data, I'm
5 interested in reviewing that data for a
6 number of things including how it relates
7 to the plaintiffs' trips, so in short I
8 reserve my right to make additional
9 analyses from that data.

10 MS. WILKINS: That's all I have,
11 thank you.

12 MS. LEVY: I just in my bonus 12
13 or 14 minutes that you've given me,
14 just a couple more follow-ups.

15 FURTHER EXAMINATION

16 BY MS. LEVY:

17 Q. Is a woman more likely to be
18 assaulted in her own home or while taking
19 an Uber ride?

20 MS. WILKINS: Object to form,
21 object to this being outside the scope
22 of Ms. Keller's opinions as she has
23 talked about many, many times today.

24 THE WITNESS: So the answer is
25 the same answer to the other questions

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2 related to this. My analysis centers
3 on the data Uber had in its possession
4 and what it did with that data, how it
5 analyzed that data, how it built S-RAD
6 using some of that data versus what it
7 told the public in its safety reports.

8 BY MS. LEVY:

9 Q. You don't know if a woman is more
10 likely to be assaulted in her own home or
11 while taking an Uber, you don't know the
12 answer to that, do you?

13 MS. WILKINS: Same objection.

14 THE WITNESS: That would be a
15 different analysis than what I've
16 done. That's not necessary for me to
17 do because my analysis centers on the
18 information that Uber has in its
19 possession.

20 BY MS. LEVY:

21 Q. Is a rider more likely to be
22 sexually assaulted in an Uber or struck by
23 lightning?

24 MS. WILKINS: Same objections.

25 This is outside the scope of

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2 Ms. Keller's opinions and I believe
3 you asked that identical or a nearly
4 identical question earlier so it's
5 been asked and answered.

6 BY MS. LEVY:

7 Q. You don't know the answer to that
8 question either, do you?

9 MS. WILKINS: Same objection.

10 THE WITNESS: The same answers I
11 gave to the previous question and the
12 number of -- the numerous questions
13 related to this that you've asked me
14 before, it's not necessary for my
15 analysis because what I set forth to
16 do is analyze what Uber had in its
17 possession, the data it had in its
18 possession, how it analyzed that data,
19 how it built a machine algorithm using
20 that data and what it told the public
21 about that data.

22 BY MS. LEVY:

23 Q. And you've looked at no data and
24 done no comparison of the frequency or
25 rate of sexual assault on Uber compared to

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2 anywhere else; correct?

3 MS. WILKINS: I am going to
4 object to that question as asked and
5 answered at least probably 20 times in
6 this deposition. And I'm going to
7 instruct the witness not to answer.
8 Ms. Levy, I'm glad to afford you a few
9 additional minutes of time here. Now
10 it will be beyond the seven hours.
11 The questions you're asking are
12 outside the scope of the redirect and
13 they have been asked and answered many
14 times. If you have new questions or
15 questions that fall within the scope
16 of redirect, I'm happy to allow the
17 witness to answer them, but we're not
18 going to recover testimony we have
19 covered numerous times today.

20 MS. LEVY: You're instructing the
21 witness not to answer that question?

22 MS. WILKINS: I am.

23 BY MS. LEVY:

24 Q. Are you going to follow your
25 counsel's instruction?

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1 KELLER

2 A. Yes.

3 Q. With the skills you have and from
4 your education and experience, it would be
5 possible, even though you haven't done it,
6 to study the rate and frequency of sexual
7 assault elsewhere, outside of Uber, that
8 would be something that is doable;
9 correct?

10 MS. WILKINS: Object to form.

11 THE WITNESS: I don't know how
12 you're defining rate. I don't know
13 how you're defining study. I have my
14 skill set as a data analyst. If there
15 are datasets that I can analyze, I
16 will take that into consideration. I
17 don't know what datasets exist
18 nationwide or that would be -- that
19 would allow me to do such an analysis.
20 I haven't considered that so I would
21 be theorizing beyond what I've already
22 included in my report.

23 BY MS. LEVY:

24 Q. Looking at the prevalence of
25 sexual assault or sexual misconduct

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1 KELLER

2 incidents anywhere else besides Uber is
3 outside the scope of what you were asked
4 to do and what you did in this case?

5 MS. WILKINS: Object again, and
6 I'm again going to again instruct the
7 witness not to answer. This is the
8 same question that's been asked many,
9 many, many times today, Ms. Levy. If
10 you have questions about Ms. Keller's
11 opinions that are in her report, I
12 will allow her to answer those
13 questions. She has told you many,
14 many, many times that she is not
15 comparing Uber's incident rates to
16 anything other than what Uber has told
17 the public. So if you're asking
18 questions about comparisons to
19 anything other than what Uber has told
20 the public, I'm going to instruct
21 Ms. Keller not to answer those
22 questions and we're going to close the
23 deposition.

24 MS. LEVY: With Ms. Wilkins'
25 fervent representation on the record

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1 KELLER

2 that your opinions are contained in
3 the report, I am satisfied that we can
4 conclude for the day. I am leaving
5 the deposition open, as I mentioned
6 before, reserving rights to petition
7 the court or seek additional time with
8 Ms. Keller. We can conclude for
9 today.

10 MS. WILKINS: I'm going to object
11 with the misrepresentation of what I
12 just said, but with that said we can
13 move on and close the deposition.

14 MS. LEVY: Thank you very much.
15 It's nice to see you again,
16 Ms. Keller. Have a great rest of your
17 evening.

18 THE VIDEOGRAPHER: We are off the
19 record at 8:42 p.m. Eastern time and
20 this concludes today's testimony given
21 by Lacey Keller. The total must be of
22 media used was 6 and will be retained
23 by Veritext.

24 (Time noted: 8:43 p.m.)

25

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C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF NASSAU)

I, CATHI IRISH, a Registered
Professional Reporter, Certified Realtime
Reporter, and Notary Public within and for
the State of New York, do hereby certify:

That LACEY KELLER, the witness whose
deposition is hereinbefore set forth, was
duly sworn by me and that such deposition
is a true record of the testimony given by
the witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I am
in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 27th day of October,
2025.



CATHI IRISH, RPR, CRR, CLVS

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WITNESS	EXAMINATION BY	PAGE
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4

LACEY KELLER	MS. LEVY	6, 374
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5

	MS. WILKINS	366
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----- EXHIBITS -----

9

EXHIBIT NUMBER	DESCRIPTION	PAGE
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10

Exhibit 1, expert report		9
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11

Exhibit 2, Appendix C		14
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12

Exhibit 3, article titled SEIU Has		30
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13

A Sexual Predator Problem		
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14

Exhibit 4, article titled Student		34
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15

Sues University Over Response to		
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16

Sexual Misconduct		
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17

Exhibit 5, article from The		69
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18

New Yorker		
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19

Exhibit 6, statement from Attorney		74
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General James		
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21

Exhibit 7, MK Analytics website		86
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page		
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23

Exhibit 8, document Bates labeled		134
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24

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Exhibit 9, 2017-2018 Safety Report	171
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*** ERRATA SHEET ***

NAME OF CASE: In Re: Uber Technologies,
Inc., Passenger Sexual Assault Litigation

DATE OF DEPOSITION: October 27, 2025

WITNESS: Lacey Keller

PAGE	LINE	FROM	TO
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LACEY KELLER

Witness and sworn to before me
this ____ day of _____, 2025.

(Notary Public)

My Commission Expires:

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY

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10/27/2025 - In Re: Uber Technologies,
Inc., Passenger Sexual Assault Litigation

ACKNOWLEDGEMENT OF DEPONENT

I, Lacey Keller, do hereby declare
that I have read the foregoing transcript,
I have made any corrections, additions, or
changes I deemed necessary as noted on the
errata to be appended hereto, and that the
same is a true, correct and complete
transcript of the testimony given by me.

LACEY KELLER

DATE

*IF NOTARY IS REQUIRED

SUBSCRIBED AND SWORN TO BEFORE ME

THIS _____ DAY OF _____, 20____.

NOTARY PUBLIC

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1 JENNIFER LEVY, ESQ.

2 jlevy@kirkland.com

3 October 28, 2025

4 RE: In Re: Uber Rideshare Cases v.

5 10/27/2025, Lacey Keller (#7684484)

6 The above-referenced transcript is available for
7 review.

8 Within the applicable timeframe, the witness should
9 read the testimony to verify its accuracy. If there are
10 any changes, the witness should note those with the
11 reason, on the attached Errata Sheet.

12 The witness should sign the Acknowledgment of
13 Deponent and Errata and return to the deposing attorney.
14 Copies should be sent to all counsel, and to Veritext at
15 (Erratas-CS@veritext.com).

16 Return completed errata within 30 days from
17 receipt of testimony.

18 If the witness fails to do so within the time
19 allotted, the transcript may be used as if signed.

20
21
22 Yours,

23 Veritext Legal Solutions
24
25